

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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May 31, 2023

Claudette Diaz, Planner
Sonoma County Permit and Resource Management Department Planning Division
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: Sonoma County Board of Supervisors' Hearing on the County's Draft Local Coastal Program Land Use Plan Update on July 17, 2023

Dear Ms. Diaz:

Thank you for the opportunity to review and comment on Sonoma County's proposed update to the Local Coastal Program (LCP) Land Use Plan (LUP). As you know, the LUP is a critical County blueprint for the County's irreplaceable coastal areas, and thus it is equally critical that the LUP update is well-thought, comprehensive, and mindful of the coastal resource values it is designed to protect and preserve. Toward that end, we very much commend County staff and decisionmakers for all of the obvious thought and hard work that went into developing the current draft update, and very much thank you for the obvious effort that was made to respond to many of our prior comments in this draft. To that point we note that we have worked collaboratively with County staff on the update over the years, including providing written comments at multiple recent junctures¹ that we don't intend to try to repeat here. Rather, the purpose of this letter is to summarize the key remaining issues areas from our perspective for the Board of Supervisors' consideration at the July 17, 2023 LUP update hearing.

While great progress has been made on the draft LUP update, we believe that there remain some outstanding issues, each of which deserve a little more work before the County finalizes the proposed update and sends it to the Coastal Commission for review. Specifically, we believe that clarifications, modifications, and additional detail are needed for:

- LUP land use designations and corresponding allowable uses

¹ As you are well aware, the LUP update has been an on and off and multi-decade effort. While we have collaborated over that entire time frame, including in terms of providing written suggestions to the County, we refer here to the most recent LUP update push that began in 2021, and our comments include general comments in a letter dated July 23, 2021, followed by more in depth comments on each element of the draft (including line-by-line suggested edits) in September 2021 and February 2022, our comment letter for the June 22, 2022 Planning Commission hearing, a follow-up comment letter following the release of the post-Planning Commission review draft (on September 23, 2022), and additional comments and suggested line-by-line edits in a November 10, 2022 letter. As you are aware, we have also had multiple meetings with County staff to discuss such comments over that same time frame, some of which is reflected in subsequent iterations of drafts and/or comments as well.

Sonoma County Draft LUP Update

- Ensuring LUP language/definitions properly reflect Coastal Act policy language and definitions
- Allowed agricultural land conversion, agricultural worker housing, and types of agricultural lands and associated terms
- Habitat protection and restoration, wetland identification and protection, and allowable uses in habitat/wetland areas/buffers
- Public access as a resource-dependent use (including as it relates to the referenced “Public Access Plan”)
- Protection of water resources, including siting and design requirements for development pertaining to water supply and wastewater infrastructure
- Coastal hazards and coastal hazards response (including additional detail and clarification/modification relating to best available science and sea level rise scenarios, redevelopment, slope stability analysis, and shoreline armoring allowances and limitations)
- Proposed transit and bike facility policies
- Prioritized status for public facilities and services
- Tribal and archaeological resource policies

Further detail on such issues and ways to address them can be found in our above-referenced written comments and suggested edits, and we would be happy to discuss any of these if that would be useful. That said, since it is our understanding that the Board will not be discussing such issues (but rather focusing on other items on July 17th),² we continue to recommend that County staff be directed to work with us on changes to address such issues, and that such changes subsequently be brought to the Board before any final adoption of the draft LUP update. While we recognize that this will require some additional time, we also believe that it provides a more streamlined path forward, including as it can help to narrow remaining issues in front of the Coastal Commission, and can help avoid a staff recommendation with numerous suggested modifications which, if adopted by the Commission, would still require the Board to deliberate on them anyways, adding additional time at the other end of this process. We strongly believe that it is much more efficient to resolve such issues now, before the Board takes final action, than it is to address them in the Commission’s process and after any Commission action on the update. We remain a willing partner to work together to address these issues and to work towards as much consensus as possible.


No matter what the Board chooses to do, we again commend County staff and decisionmakers for the time, effort, and resources invested into the difficult task of

² It is our understanding that the Board intends on July 17th to focus exclusively on agricultural fencing, support for the UC Davis Bodega Marine laboratory, expanded opportunities for new campgrounds, public access to the Estero Americano, fire fuel management, preservation of non-commercial forest and woodlands, on-shore facilities related to off-shore wind energy or seabed mining, reintroduction of sea otters, site-specific policies for visitor-serving development, and subdivision of agricultural lands.

Sonoma County Draft LUP Update

updating the LCP's LUP, and we look forward to further collaboration as described above. Please contact me or Julia Koppman Norton of my staff if you have any questions or would like to discuss these matters further.

Sincerely,

DocuSigned by:

035096250A8E49E...

Stephanie Rexing
District Manager
North Central Coast District Office
California Coastal Commission

From: [Beth Bruzzone](#)
To: [Claudette Diaz](#); [Cecily Condon](#)
Subject: Map Corrections....
Date: Wednesday, June 07, 2023 12:30:35 PM

EXTERNAL

Hello Cecily and Claudette.....

Again, thank you both for all the hard work.

Public Access Map C-PA-1i Subarea 9 shows marker 'I 35' as existing public access on The Wildlands Conservancy. There is no existing public access on The Wildlands Conservancy at this time. No CDP has been issued, no vetted, approved developed access at this time, to the best of my knowledge. The marker should be changed to "Proposed". If I am incorrect and there is legal, vetted, permitted public access, please let me know with the documentation. This would also be news to Bodega Harbour Homeowners Association as well, since the HOA's private property would have to be crossed to access I-35.

Fire Districts:

C-PF-2c, Subareas 7-10 has incorrect information. The color coding on the legend does not match the map, but the bigger issue is the map provides old information. Bodega Bay FPD consolidated with Sonoma County Fire Department. There have been other consolidations as well with Sonoma County Fire Department and Gold Ridge Fire/North Bay Fire CSA 40. I do not have all the details, I suggest reaching out to Chief Shepley Schroth-Cary at Gold Ridge Fire and Chief Heine with Sonoma County Fire to look over all the fire maps.

Take Care.....

Beth Bruzzone
Bodega/Valley Ford CMAC Vice Chair

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ERIN B. CARLSTROM, CHAIR

STEPHEN K. BUTLER
LAND USE DEPARTMENT

STEPHEN K. BUTLER
(1952-2023)

June 8, 2023

VIA EMAIL

District3@sonoma-county.org

Chris Coursey, 3rd District Supervisor, Chair

District4@sonoma-county.org

James Gore, 4th District Supervisor

David.Rabitt@sonoma-county.org

David Rabbitt, 2nd District Supervisor

Susan.Gorin@sonoma-county.org

Susan Gorin, 1st District Supervisor

Lynda.hopkins@sonoma-county.org

Lynda Hopkins, 5th District Supervisor

Re: *Local Coastal Plan Update – Agenda Item July 17, 2023*
Public Access – Short-Tail Gulch and the 1977 Transcentury Settlement Agreement

Chair Coursey and Supervisors Rabbitt, Hopkins, Gore and Gorin:

It has come to our attention that the Local Coastal Plan Update (“LCP”) is on your calendar for review on July 17, 2023. The proposed language currently relies on use of Short-Tail and Pinnacle Gulch trails, which are easements constrained by settlements reached more than forty years ago. The proposed use conflicts with the terms of these easements and Bodega Harbour Homeowners Association does not consent to use of its private property for the proposed use as it constitutes a breach of the terms of the grant deeds which formed the basis for the easements.

The Sonoma County draft LCP, Appendix B, Public Access Plan, page 88, contains provisions of concern to the Bodega Harbour Homeowners Association (“BHHA”). Of particular concern are the provisions highlighted in bold below:

(I-34 Estero Ranch)

*In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane, which is the only road connecting Estero Ranch to the public road network. **Trail access is either via the California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. Future trail access may connect Short-Tail Gulch to Estero Ranch.** A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.*

Proposed Improvements and Programs:

- 1. Plan and develop appropriate public access, education, and research compatible with the site’s fragile ecosystem.*
- 2. Maintain agriculture and related infrastructure on the preserve to support grassland health.*

The proposed LCP provision rightly acknowledges that a “coastal access” trail along Short-Tail Gulch was required as a condition of approval for the Bodega Harbour Subdivision. The provision also correctly notes that parking is available about ½ mile away near the Pinnacle Gulch trailhead. However, the draft LCP provision appears to suggest Short-Tail Gulch trail can provide direct inland pedestrian access to Estero Ranch. It cannot. The dedicated easement for beach access the developer granted to the County on June 2, 1977, states: **The Short-Tail Gulch trail can only be used for public beach access from Bodega Harbour and any expanded use is prohibited.** This land use restriction also applies to the parking lot on Mockingbird Road and the Pinnacle Gulch trail.

BACKGROUND

On October 2, 1968, the Sonoma County Planning Commission approved the Bodega Harbour Subdivision permitting 1,626 homes. On November 8, 1972, the voters of California enacted the California Coastal Zone Conservation Act designed to protect the natural resources of the California coastline. This preservation was superseded by the California Coastal Act of 1976 (Coastal Act). The newly created Coastal Commission sued the Bodega Harbour developer, Transcentury Properties (“Transcentury”), asserting that the new law required Transcentury to secure a coastal permit for the Bodega Harbour subdivision. The Sonoma County Superior Court found in favor of Transcentury and ruled that the subdivision was vested and therefore exempt from the Coastal Act. An appeal ensued, during which the Coastal Commission and Transcentury negotiated an agreement (“Settlement Agreement”) to resolve the conflict, which amongst other conditions, reduced the number of permitted homes to 725.

On June 1, 1977, the Sonoma County Superior Court approved a stipulated judgment approving the Settlement Agreement and ordered Transcentury and the Coastal Commission to comply with the agreement’s conditions and requirements. *Transcentury Properties, et al. v. California Coastal Zone Conservation Commission, et al.*, Sonoma County Superior Court Case No. 73865 (“Stipulated Judgment”)

The Stipulated Judgment required Transcentury to convey to assorted public agencies (primarily Sonoma County) various interests in land, as listed below:

- **Tract A.** Beach/Bluff land, conveyed in fee to the County become part of Doran Beach Park.
- **Tract B.** Pinnacle Gulch parking lot easement granted to the County.
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- **Tract E.** Bruhn Ranch school site granted to the school district, subsequently expired.
- **Tract F.** Tideland Marsh quit claim deed.
- **Easement G.** Short-Tail Gulch trail easement granted to the County.

Attachment A depicts the location of the pertinent conveyances.

Section XI, Paragraph 5 of the Settlement Agreement addresses Pinnacle Parking Lot, Pinnacle Gulch beach access easement and the Short-Tail Gulch beach access easement. The terms and conditions of these conveyances are enumerated in the draft Grant Deed, attached to the Stipulated Judgment as Exhibit "B." ("Grant Deed")

GRANT DEED BINDS THE STATE AND THE COUNTY

The Grant Deed binds Transcentury, the Coastal Commission and the County in perpetuity, as follows (emphasis added):

- The purpose of the Grant Deed is to “insure reasonable public access to and full public use of all **beach area in the Bodega Harbour Development**.” (Grant Deed, page 1)
- “Grantor desires that said real property shall **forever** remain as open space either in its natural state or as agricultural land, devoted **only to those uses set forth** above...” (Grant Deed, page 1)
- “The County and the Department of General Services on behalf of the State of California have agreed to receive interests in various portions of the real property comprising the Bodega Harbour subdivision and grantor's adjacent property as set forth below upon the understanding that the foregoing expressed **intentions of Grantor shall forever be honored and defended**...” (Grant Deed, page 8)

On June 2, 1977, Transcentury conveyed land as required by the Stipulated Judgment and the Grant Deed, including the Pinnacle Parking Lot, and the Pinnacle Gulch and Short-Tail Gulch beach access easements. Attachment B depicts the Short-Tail Gulch beach access easement.

Since 1977 the Pinnacle Parking Lot and the Pinnacle Gulch and Short-Tail Gulch beach access easements have been used in compliance with the terms and conditions of the Stipulated Judgment - to provide pedestrian access to the “beach area in the Bodega Harbour Development”. The parking lot and beach access easements have never been used to access Estero Ranch during the last 46 years, because (1) such access was not contemplated or permitted in the grant deeds and (2) Estero Ranch was an active ranching operation until the Coastal Conservancy and its partners purchased the property. No legal or historical use of the easements beyond the coastal access special purpose has ever occurred.

THE WILDLIFE CONSERVANCY ACQUISITION OF ESTERO RANCH

In 2015, the California Coastal Conservancy authorized grant funding to enable the purchase of Estero Ranch, currently managed by The Wildlife Conservancy (TWC). On page 3 of the accompanying staff report the Coastal Conservancy detailed Estero Ranch access as follows:

“Vehicular access to the property is from Highway 1 and Estero Lane. Pedestrian access for hiking a future segment of the California Coastal Trail is from the Short Tail Gulch Trail, an accessway improved with Conservancy funding in 2003 and managed and maintained by Sonoma County Parks that runs from the beach along the southern edge of the subdivision.”

To be clear, it was envisioned that vehicular access to Estero Ranch was from Highway 1 and Estero Lane. The Short-Tail Gulch Trail was to be used for pedestrian access to the beach and the California Coastal Trail that parallels the beach. Short-Tail Gulch was **NOT** to provide inland access to Estero Ranch.

In December 2015 TWC and its partners purchased the 547-acre Estero Ranch property. When TWC closed on the property, the new owner recorded a covenant that “public access to the property will be from the coast.” (*Tibbetts, et al. v. State Department of Transportation, et al.* (2019) Court of Appeal, First District, Div. Three, p. 7, later dismissed.)

Thereafter TWC engaged in discussions to allow the California Department of Transportation (Caltrans) to perform habitat mitigation on Estero Ranch. The parties contemplated access to the mitigation site over Estero Lane. Estero Lane is a 2.12-mile roadway, from Highway 12 to Estero Ranch. The first 1.52-mile section of Estero Lane is a public road; the remaining .6-mile segment is an easement over land owned by two family ranchers. TWC’s right to use the easement to access the Estero Ranch has been subject to significant litigation between TWC and the ranchers since 2017. *Tibbetts, et al. v. State Department of Transportation, et al.* filed in Sonoma County Superior Court on June 29, 2017 (SCV-260916). The parties entered into a Stipulated Judgment on January 27, 2020. The court-approved judgment reduced TWC’s options for access to Estero Ranch. The adjoining ranch property owners granted TWC *a license* for limited use of Estero Lane. Estero Lane is not a public entrance to Estero Ranch.

**PUBLIC ACCESS TO ESTERO RANCH IS LIMITED
TO ACCESS FROM THE COAST**

The *Tibbetts* Settlement severely restricted public access from Highway 1 to Estero Ranch. This litigation between TWC and neighboring ranchers eliminated the planned access from Estero Ranch to the California Coastal Trail on Highway 1. Knowing that public access would primarily

be access from the coast, the TWC attorneys added a provision in the *Tibbetts* Settlement concerning “Public Hiking Access”:

“12. **PUBLIC HIKING ACCESS TO WILDLANDS PROPERTY:** The PARTIES recognize that WILDLANDS intends to develop hiking access to the WILDLANDS PROPERTY from the Shorttail Gulch and Pinnacle Gulch parking areas. Nothing in this paragraph shall prejudice or restrict any rights of the MICKELSONS or the TIBBETS related to this intended development by WILDLANDS.” *Tibbetts* Settlement, “*Agreement*” pp. 4-5.

The neighboring ranchers agreed to this settlement provision in January 2020. However, this provision does not bind BHHA, who was not a party to the *Tibbetts* litigation, and on whose property both beach access trails and the parking lot are located (Pinnacle Gulch and Short-Tail Gulch). BHHA does not now and did not then consent to the use of its properties for access to the Estero, or TWC property.

Access to TWC’s property is restricted to coastal access as originally envisioned when the parties purchased the property, and a limited license using Estero Lane as provided for in the *Tibbetts* Settlement. There is no access to Estero Ranch from the Short-Tail Gulch Trail or the Pinnacle Gulch parking areas as stated in the *Tibbetts* Settlement. These access points do not exist, and cannot be established.

TWC DRAFT PUBLIC ACCESS PLAN FOR RECREATION
AT ESTERO AMERICANO COAST PRESERVE

In March 2023 TWC informed the BHHA that the conservancy planned to pursue a “Draft Public Access Plan for Recreation at Estero Americano Coast Preserve” (Preserve). Phase 2 for this ambitious plan includes “Scheduled Short Tail Gulch Access” in 2024. The written draft plan was emailed to BHHA representatives prior to a scheduled April 2024 Zoom session between TWC, their partners, and BHHA representatives. The draft plan stated:

“Construction and improvements include...installation of an entrance gate located adjacent to the Sonoma County Regional Parks Shorttail Gulch Trail...”

Thus, TWC’s planned access to their Preserve was to *construct a gate along the Short-tail Gulch beach access easement to allow hikers to cross BHHA common area to enter Estero Ranch.* (See Attachment C). Once again, BHHA does not now and did not then consent to this proposed use of their property.

In April, 2023 TWC coordinated a Zoom session with representatives of BHHA to discuss TWC's plans, and promised to forward additional information requested by BHHA at the meeting. Nothing has been received from TWC in response to the requests.

Bodega Harbour is a residential subdivision located to the northwest of Estero Ranch. The BHHA is a non-profit mutual benefit corporation. BHHA has never agreed to this "public hiking access" point to Estero Ranch. Nor can BHHA agree to the proposal because of the original restrictions in establishing the Short-Tail Gulch trail that bind both the BHHA and the County as discussed herein.

INLAND ESTERO RANCH PEDESTRIAN ACCESS
CONFLICTS WITH USE RESTRICTIONS

TWC's plan for a proposed gate to allow inland pedestrian access from the Short-Tail beach access trail in Bodega Harbour through to Estero Ranch conflicts with the terms and conditions imposed by the *Transcentury* Stipulated Judgment/Grant Deed, as follows (emphasis added):

Intention of the Grantor:

The purpose of the Grant Deed is to "*insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development.*" (Grant Deed, page 1)

Pinnacle Gulch Beach Access– "Easement C"

"A reasonable public pedestrian easement from Mockingbird Road through Pinnacle Gulch to the ocean beach" (Stipulated Judgment, page 12, paragraph 4)

Pinnacle Gulch Parking Lot – "Tract B"

"Grantor hereby grants to the County of Sonoma a parcel of land within the Bodega Harbour development as described above, adjacent to Mockingbird Road, more particularly described in the Appendix hereto as Tract "B." The above described parcel shall be referred to hereinafter as "Tract B". Said dedication of Tract B to the County shall be upon condition, and subject to a right of reentry for condition broken such that Grantor or his successors or assigns may reacquire fee simple title to said parcel by appropriate judicial proceedings should the County intentionally permit said parcel to be used in any way other than a) retention in its natural state or b) as a public parking area for use by members of the public to park their vehicles during daylight hours as and while they use the pedestrian access easement hereinafter described and the beach." (Grant Deed, page 2, paragraph 2) (emphasis added)

Short-Tail Gulch Beach Access Easement – “Easement G”

“Grantor further grants to the County of Sonoma a pedestrian access easement to connect a presently dedicated easement **through Shirt Tail (sic) Gulch to the beach** with public roads as planned under the new development plan agreed to by the parties hereto.” (Grant Deed, page 5, paragraph 7)

CONCLUSION

We request the LCP provision identified above be modified as follows:

(I-34 Estero Ranch)

In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane, which is the only road connecting Estero Ranch to the public road network. ~~Trail~~ Access is ~~either~~ via ~~the~~ California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. ~~Future trail access may connect Short Tail Gulch to Estero Ranch.~~ A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.

Proposed Improvements and Programs:

- 1. Plan and develop appropriate public access, education, and research compatible with the site’s fragile ecosystem.*
- 2. Maintain agriculture and related infrastructure on the preserve to support grassland health.*

Thank you for your consideration of the enclosed and for your continued service to our beautiful community.

Sincerely,



ERIN B. CARLSTROM

/ebc

attachments

c(w/att.): Jennifer Klein, Chief Deputy County Counsel *(via email)*

Verne Ball, Deputy County Counsel *(via email)*

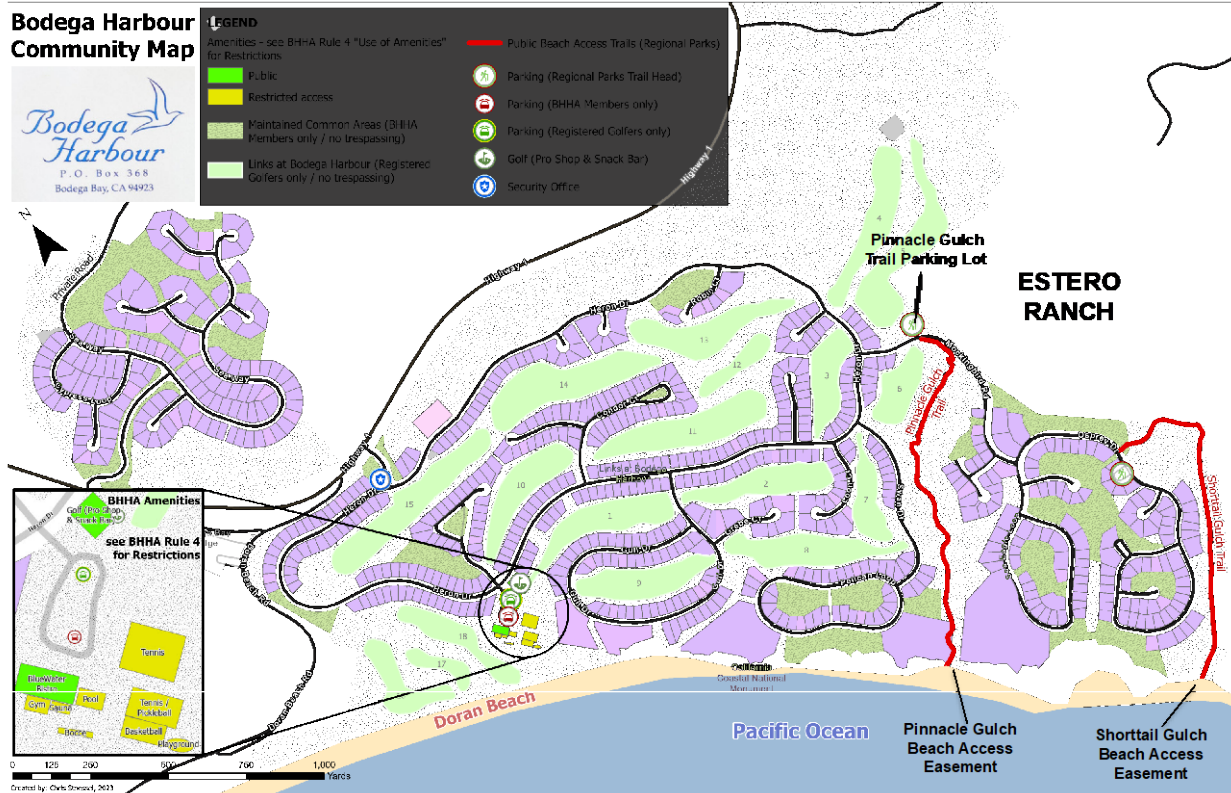
Tennis Wick, Director, Permit Sonoma *(via email)*

Claudette Diaz, Project Planner, Permit Sonoma *(via email)*

clients *(via email)*

Attachment A

Transcentury Conveyances to The County



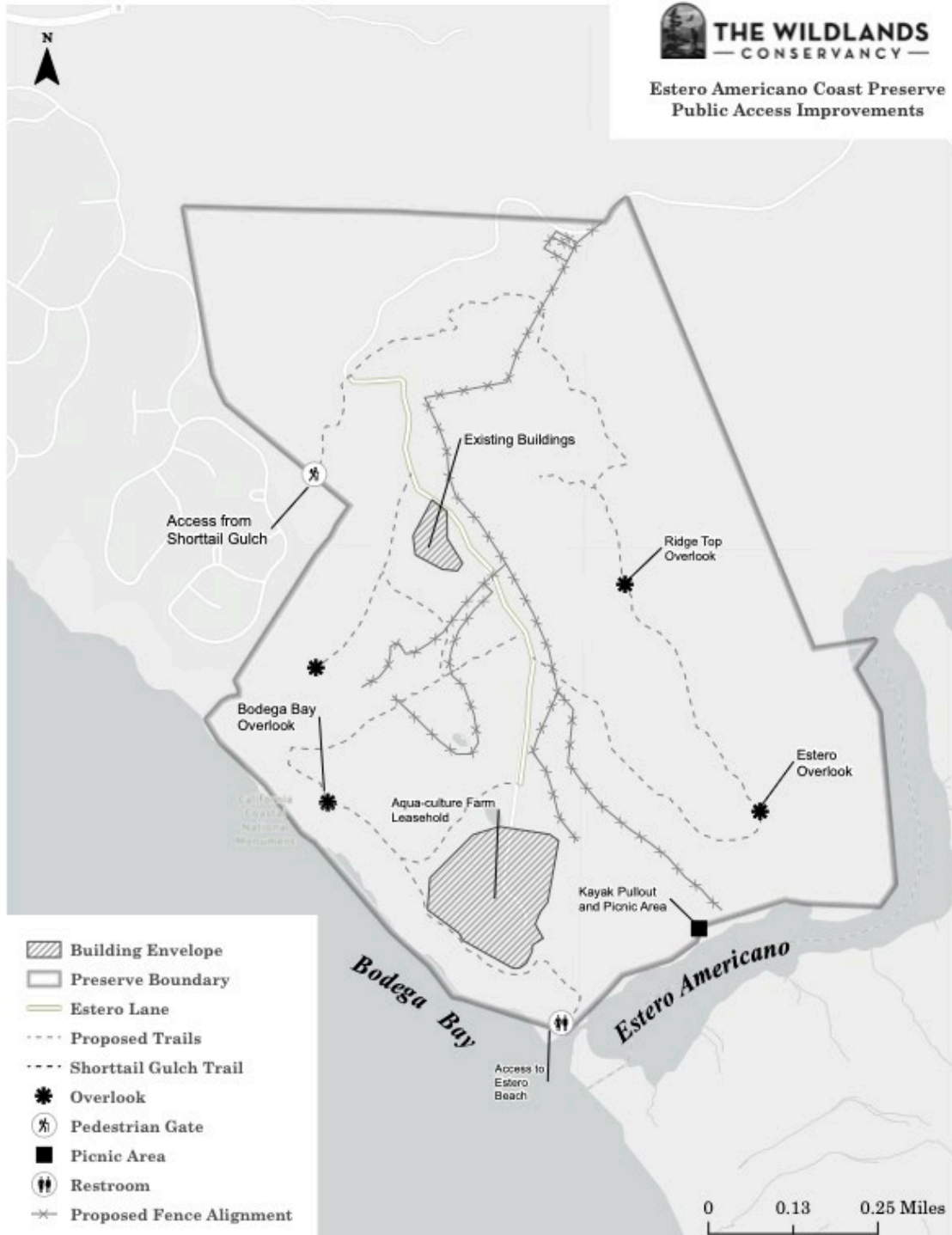
Attachment B

Short-Tail Gulch Beach Access



Attachment C

TWC Proposal to Access Estero Ranch Through BHHA Common Area



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TELEPHONE: (707) 523-1181

ERIN B. CARLSTROM, CHAIR

STEPHEN K. BUTLER
LAND USE DEPARTMENT

STEPHEN K. BUTLER
(1952-2023)

June 8, 2023

VIA EMAIL

District3@sonoma-county.org
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In 2015, the California Coastal Conservancy authorized grant funding to enable the purchase of Estero Ranch, currently managed by The Wildlife Conservancy (TWC). On page 3 of the accompanying staff report the Coastal Conservancy detailed Estero Ranch access as follows:

“Vehicular access to the property is from Highway 1 and Estero Lane. Pedestrian access for hiking a future segment of the California Coastal Trail is from the Short Tail Gulch Trail, an accessway improved with Conservancy funding in 2003 and managed and maintained by Sonoma County Parks that runs from the beach along the southern edge of the subdivision.”

To be clear, it was envisioned that vehicular access to Estero Ranch was from Highway 1 and Estero Lane. The Short-Tail Gulch Trail was to be used for pedestrian access to the beach and the California Coastal Trail that parallels the beach. Short-Tail Gulch was **NOT** to provide inland access to Estero Ranch.

In December 2015 TWC and its partners purchased the 547-acre Estero Ranch property. When TWC closed on the property, the new owner recorded a covenant that “public access to the property will be from the coast.” (*Tibbetts, et al. v. State Department of Transportation, et al.* (2019) Court of Appeal, First District, Div. Three, p. 7, later dismissed.)

Thereafter TWC engaged in discussions to allow the California Department of Transportation (Caltrans) to perform habitat mitigation on Estero Ranch. The parties contemplated access to the mitigation site over Estero Lane. Estero Lane is a 2.12-mile roadway, from Highway 12 to Estero Ranch. The first 1.52-mile section of Estero Lane is a public road; the remaining .6-mile segment is an easement over land owned by two family ranchers. TWC’s right to use the easement to access the Estero Ranch has been subject to significant litigation between TWC and the ranchers since 2017. *Tibbetts, et al. v. State Department of Transportation, et al.* filed in Sonoma County Superior Court on June 29, 2017 (SCV-260916). The parties entered into a Stipulated Judgment on January 27, 2020. The court-approved judgment reduced TWC’s options for access to Estero Ranch. The adjoining ranch property owners granted TWC *a license* for limited use of Estero Lane. Estero Lane is not a public entrance to Estero Ranch.

**PUBLIC ACCESS TO ESTERO RANCH IS LIMITED
TO ACCESS FROM THE COAST**

The *Tibbetts* Settlement severely restricted public access from Highway 1 to Estero Ranch. This litigation between TWC and neighboring ranchers eliminated the planned access from Estero Ranch to the California Coastal Trail on Highway 1. Knowing that public access would primarily

be access from the coast, the TWC attorneys added a provision in the *Tibbetts* Settlement concerning “Public Hiking Access”:

“12. **PUBLIC HIKING ACCESS TO WILDLANDS PROPERTY:** The PARTIES recognize that WILDLANDS intends to develop hiking access to the WILDLANDS PROPERTY from the Shorttail Gulch and Pinnacle Gulch parking areas. Nothing in this paragraph shall prejudice or restrict any rights of the MICKELSONS or the TIBBETS related to this intended development by WILDLANDS.” *Tibbetts* Settlement, “*Agreement*” pp. 4-5.

The neighboring ranchers agreed to this settlement provision in January 2020. However, this provision does not bind BHHA, who was not a party to the *Tibbetts* litigation, and on whose property both beach access trails and the parking lot are located (Pinnacle Gulch and Short-Tail Gulch). BHHA does not now and did not then consent to the use of its properties for access to the Estero, or TWC property.

Access to TWC’s property is restricted to coastal access as originally envisioned when the parties purchased the property, and a limited license using Estero Lane as provided for in the *Tibbetts* Settlement. There is no access to Estero Ranch from the Short-Tail Gulch Trail or the Pinnacle Gulch parking areas as stated in the *Tibbetts* Settlement. These access points do not exist, and cannot be established.

TWC DRAFT PUBLIC ACCESS PLAN FOR RECREATION
AT ESTERO AMERICANO COAST PRESERVE

In March 2023 TWC informed the BHHA that the conservancy planned to pursue a “Draft Public Access Plan for Recreation at Estero Americano Coast Preserve” (Preserve). Phase 2 for this ambitious plan includes “Scheduled Short Tail Gulch Access” in 2024. The written draft plan was emailed to BHHA representatives prior to a scheduled April 2024 Zoom session between TWC, their partners, and BHHA representatives. The draft plan stated:

“Construction and improvements include...installation of an entrance gate located adjacent to the Sonoma County Regional Parks Shorttail Gulch Trail...”

Thus, TWC’s planned access to their Preserve was to *construct a gate along the Short-tail Gulch beach access easement to allow hikers to cross BHHA common area to enter Estero Ranch.* (See Attachment C). Once again, BHHA does not now and did not then consent to this proposed use of their property.

In April, 2023 TWC coordinated a Zoom session with representatives of BHHA to discuss TWC's plans, and promised to forward additional information requested by BHHA at the meeting. Nothing has been received from TWC in response to the requests.

Bodega Harbour is a residential subdivision located to the northwest of Estero Ranch. The BHHA is a non-profit mutual benefit corporation. BHHA has never agreed to this "public hiking access" point to Estero Ranch. Nor can BHHA agree to the proposal because of the original restrictions in establishing the Short-Tail Gulch trail that bind both the BHHA and the County as discussed herein.

INLAND ESTERO RANCH PEDESTRIAN ACCESS
CONFLICTS WITH USE RESTRICTIONS

TWC's plan for a proposed gate to allow inland pedestrian access from the Short-Tail beach access trail in Bodega Harbour through to Estero Ranch conflicts with the terms and conditions imposed by the *Transcentury* Stipulated Judgment/Grant Deed, as follows (emphasis added):

Intention of the Grantor:

The purpose of the Grant Deed is to "*insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development.*" (Grant Deed, page 1)

Pinnacle Gulch Beach Access– "Easement C"

"A reasonable public pedestrian easement from Mockingbird Road through Pinnacle Gulch to the ocean beach" (Stipulated Judgment, page 12, paragraph 4)

Pinnacle Gulch Parking Lot – "Tract B"

"Grantor hereby grants to the County of Sonoma a parcel of land within the Bodega Harbour development as described above, adjacent to Mockingbird Road, more particularly described in the Appendix hereto as Tract "B." The above described parcel shall be referred to hereinafter as "Tract B". Said dedication of Tract B to the County shall be upon condition, and subject to a right of reentry for condition broken such that Grantor or his successors or assigns may reacquire fee simple title to said parcel by appropriate judicial proceedings should the County intentionally permit said parcel to be used in any way other than a) retention in its natural state or b) as a public parking area for use by members of the public to park their vehicles during daylight hours as and while they use the pedestrian access easement hereinafter described and the beach." (Grant Deed, page 2, paragraph 2) (emphasis added)

Short-Tail Gulch Beach Access Easement – “Easement G”

“Grantor further grants to the County of Sonoma a pedestrian access easement to connect a presently dedicated easement **through Shirt Tail (sic) Gulch to the beach** with public roads as planned under the new development plan agreed to by the parties hereto.” (Grant Deed, page 5, paragraph 7)

CONCLUSION

We request the LCP provision identified above be modified as follows:

(I-34 Estero Ranch)

In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane, which is the only road connecting Estero Ranch to the public road network. ~~Trail~~ Access is ~~either~~ via ~~the~~ California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. ~~Future trail access may connect Short Tail Gulch to Estero Ranch.~~ A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.

Proposed Improvements and Programs:

- 1. Plan and develop appropriate public access, education, and research compatible with the site’s fragile ecosystem.*
- 2. Maintain agriculture and related infrastructure on the preserve to support grassland health.*

Thank you for your consideration of the enclosed and for your continued service to our beautiful community.

Sincerely,



ERIN B. CARLSTROM

/ebc

attachments

c(w/att.): Jennifer Klein, Chief Deputy County Counsel *(via email)*

Verne Ball, Deputy County Counsel *(via email)*

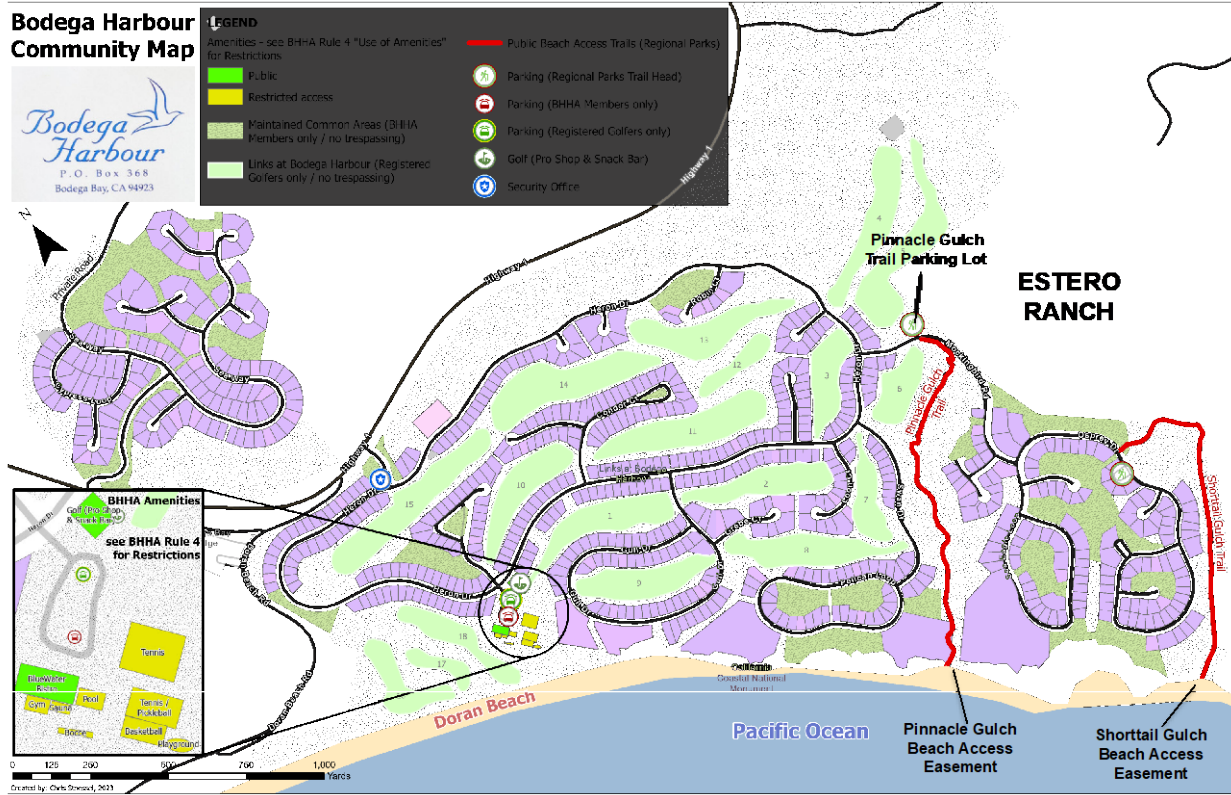
Tennis Wick, Director, Permit Sonoma *(via email)*

Claudette Diaz, Project Planner, Permit Sonoma *(via email)*

clients *(via email)*

Attachment A

Transcentury Conveyances to The County



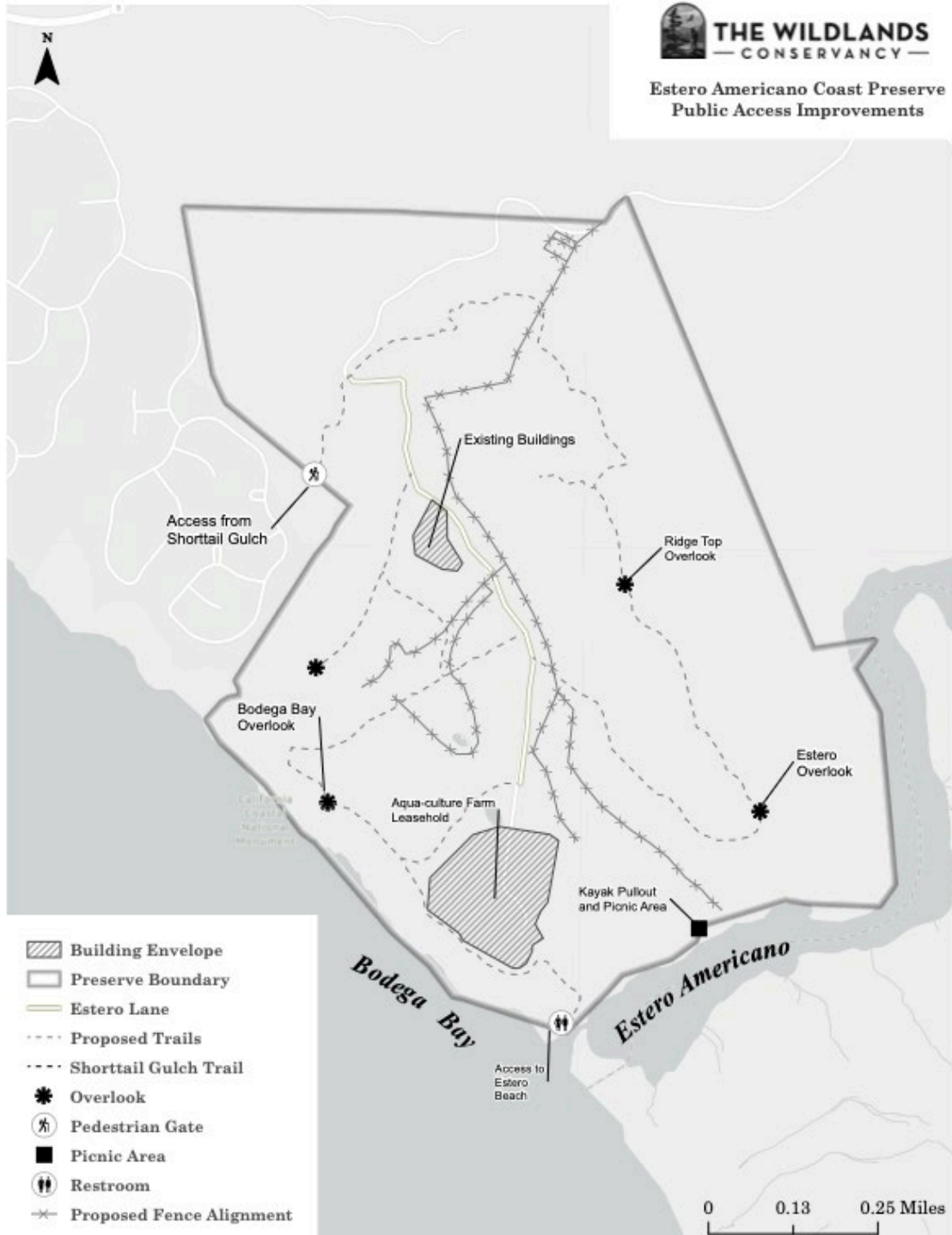
Attachment B

Short-Tail Gulch Beach Access



Attachment C

TWC Proposal to Access Estero Ranch Through BHHA Common Area



BRISCOE IVESTER & BAZEL LLP
235 MONTGOMERY STREET
SUITE 935
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700

Peter S. Prows
(415) 402-2708
pprows@briscoelaw.net

26 June 2023

By Email

Board of Supervisors
County of Sonoma
575 Administration Drive
Santa Rosa, CA 95403
bos@sonoma-county.org

Dear Supervisors:

I write again on behalf of the environmental group Concerned Citizens for Estero Americano to express serious concern about the Sonoma County draft LCP. The draft LCP demonstrates a reckless disregard for the environment of the Estero Americano.

The Estero Americano is an extraordinarily sensitive environmental area, flanked by coastal wetlands and host to numerous listed species. In the past, access to the Estero Americano has meant large groups of kayakers trampling through those wetlands and sensitive habitat areas without regulation or regard for the environment, which my biologist opined was completely inappropriate:



Source: Estero Americano Preserve website (SLT, 2022).

BRISCOE IVESTER & BAZEL LLP

Board of Supervisors

County of Sonoma

26 June 2023

Page 2

As my several previous letters have established, when public access would threaten sensitive coastal environments, **the Coastal Act requires public access to give way to protection of the environment.** Because unregulated public access would cause harm to the Estero Americano, the Coastal Act requires that the Estero Americano be protected.

Previous drafts of the LCP designated various “dots” on or adjacent to the Estero Americano for public access, without any concern for what public access in these locations would do to the Estero Americano environment. My previous letters urged you to erase those dots.

At the 4 April 2023 meeting, Supervisor Coursey urged that Concerned Citizens, as a stakeholder, be invited to any subsequent meetings discussing public access to the Estero Americano. But I was not invited to any meetings.

Instead, without my input, staff have posted a revised public access map that is now even *worse* for the environment than the last version. The revised map keeps the “dots” *and* now designates the *entire* Estero Americano as a public access area. My biologist (new letter attached) believes this new proposal could be “catastrophic” for the Estero’s environment:

A map with the entire Estero Americano shaded with a color defined as “Public Access” could be catastrophic for the Estero. ... In light of the significant and well documented habitat degradation the Estero Americano has suffered from human activities, it would be more appropriate for the County to focus on habitat restoration and preservation, rather than making things worse. From an ecological perspective alone, encouraging and facilitating public access throughout the Estero Americano would likely result in far greater direct and indirect impacts than those resulting from more limited and controlled public access, with posted notice to boaters that the most of the bordering lands are both ecologically sensitive and private property.

My letters have warned the County multiple times, using the best available science, that public access to the Estero is bad for the environment. The latest draft LCP continues to move in the wrong direction. The draft LCP’s public access policies demonstrate reckless disregard for the Estero Americano’s environment. Those policies—both the “dots” and the shading of the Estero Americano—should be rejected entirely.

BRISCOE IVESTER & BAZEL LLP
Board of Supervisors
County of Sonoma
26 June 2023
Page 3

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Attorneys for
Concerned Citizens for Estero Americano

Enclosure

From: [Renate Lee](#)
To: [Claudette Diaz](#); [Cecily Condon](#)
Cc: [Bob Haroche](#)
Subject: Two quick corrections submitted for July 2023 LCP Update
Date: Thursday, June 15, 2023 12:06:46 AM
Attachments: [RRD edit- Attachment-1b-Land-Use-July-2023-BOS-Draft PAGE LU-22.pdf](#)
[Ag Activity edit Appendix-E-Natural-Resources.pdf](#)

EXTERNAL

Hello Claudette and Cecily,
I hope you are both well!

I noticed two items that appear to need correction in the latest 2023 LCP update, and submit for your review.

1) The prior RRD Land Use paragraph descriptor now contradicts the new table revision that staff has recommended (to add land management and limited related residential development as principally permitted uses).

The RRD paragraph has the old artifact saying Ag and residential development are non-principally permitted. Attached is the page, LU-22, edited in purple with an example of how to align the paragraph with the table revision.

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2). In the Natural Resources Appendix E, under 5.1 Habitat Protection Guidelines, under Agricultural Activities (a) on page 16, there is a reference to a (9) but I think that's meant to be a (b). I've highlighted the (9) and (b) in yellow.

Thank you both for your hard work with the LCP and time working through the updates!

Best,
Renate

From: [Renate Lee](#)
To: [Claudette Diaz](#); [Cecily Condon](#)
Cc: [Bob Haroche](#)
Subject: Fwd: Technical Correction
Date: Tuesday, June 06, 2023 1:44:30 PM
Attachments: [Lee Map Correction in July 2023 Options.pdf](#)
[Technical Correction page from Draft LCP Policy Discussion Feb 2023.pdf](#)

Hello Claudette and Cecily,

First and foremost, thank you both so much for your remarkable review and turn of the LCP with the "2023 Policy Update" released yesterday. I am really looking forward to reading everything in detail, but even at a high-level, it's clear an incredible amount of review, drafting and revision happened in a very short period of time. I can't begin to imagine what it's like on your end, managing an entire County, but I am deeply grateful for the time and care you gave us with our concerns and requests.

Given all that, I'm reluctant to even bring this up, but I noticed in the new update, that the language describing the Willow Creek Map Correction (that affects my four RRD parcels) was not edited to note that all four parcels would retain RRD. The February Policy Options document omitted two of the four APNs in the Correction Comment, and Gary confirmed in the email thread below, that they would nonetheless be included in the staff recommendation to the BOS.

The July 2023 Update seems to mirror the February 2023 language, without listing all four APNs. Could you please confirm our prior understanding, that all four APN's will be noted to remain RRD in your staff presentation to the BOS?

This is what the Correction would look like, with all four noted:

Correction Comment: Revise Land Use Map Figure C-LU-1h to designate land use for APN 101-090-001, and 101-090-009, **097-210-004 and 097-210-005** as Resources and Rural Development, consistent with current zoning and land use designation in the 2001 Local Coastal Plan.
(Reference: page 2 of the July 2023 Policy Options).

Thank you again!

Best,
Renate
(415) 367-5069 cell

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Begin forwarded message:

From: Renate Lee <renatelee@sbcglobal.net>

Subject: Fwd: Technical Correction

Date: February 21, 2023 at 1:02:19 PM PST

To: Gary Helfrich <gary.helfrich@sonoma-county.org>, Ross Markey <Ross.Markey@sonoma-county.org>, Claudette Diaz <Claudette.Diaz@sonoma-county.org>

Cc: Bob Haroche <bob@haroche.law>

Gary,

I am resending our exchange from Friday, to include Ross and Claudette (whom you've copied on our recent exchanges), as well as my counsel, Bob Haroche, so that everyone is up to date.

To recap, the County's recent February 20th Policy Update document omits two APN's from the Correction Comment (see below).

Thank you for confirming that all four of my APN's (noted in the Map Corrections paragraph) will be included in the technical correction recommendation in your staff presentation.

Please advise if there is any other posting or submittal needed to complete this technical correction.

Best,
Renate

Begin forwarded message:

From: Gary Helfrich <Gary.Helfrich@sonoma-county.org>

Subject: RE: Technical Correction

Date: February 17, 2023 at 2:03:31 PM PST

To: Renate Lee <renatelee@sbcglobal.net>

The staff presentation will note that all four parcels are part of the recommendation. We cannot change the Policy Options once they are published.

Gary

From: Renate Lee <renatelee@sbcglobal.net>

Sent: Friday, February 17, 2023 12:49 PM

To: Gary Helfrich <Gary.Helfrich@sonoma-county.org>

Subject: Technical Correction



Hi Gary,

Thank you so much for your time on the phone. That was so helpful!

I just read the Technical Correction. The "Correction Comment" is missing two of my APN's (097-210-004 and 097-210-005), that were referenced in the "Map Correction" paragraph.

Correction Comment:

Revise Land Use Map Figure C-LU-1h to designate land use for APN **101-090-001 and 101-090- 009** as Resources and Rural Development, consistent with current zoning and land use designation in the 2001 Local Coastal Plan.

Could you please include all four APN's in the Correction Comment?

Thank you,

Renate

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From: [Beth Bruzzone](#)
To: [Claudette Diaz](#); [Cecily Condon](#)
Subject: Map Corrections....
Date: Wednesday, June 07, 2023 12:30:35 PM

EXTERNAL

Hello Cecily and Claudette.....

Again, thank you both for all the hard work.

Public Access Map C-PA-1i Subarea 9 shows marker 'I 35' as existing public access on The Wildlands Conservancy. There is no existing public access on The Wildlands Conservancy at this time. No CDP has been issued, no vetted, approved developed access at this time, to the best of my knowledge. The marker should be changed to "Proposed". If I am incorrect and there is legal, vetted, permitted public access, please let me know with the documentation. This would also be news to Bodega Harbour Homeowners Association as well, since the HOA's private property would have to be crossed to access I-35.

Fire Districts:

C-PF-2c, Subareas 7-10 has incorrect information. The color coding on the legend does not match the map, but the bigger issue is the map provides old information. Bodega Bay FPD consolidated with Sonoma County Fire Department. There have been other consolidations as well with Sonoma County Fire Department and Gold Ridge Fire/North Bay Fire CSA 40. I do not have all the details, I suggest reaching out to Chief Shepley Schroth-Cary at Gold Ridge Fire and Chief Heine with Sonoma County Fire to look over all the fire maps.

Take Care.....

Beth Bruzzone
Bodega/Valley Ford CMAC Vice Chair

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do not click any web links, attachments, and never give out your user ID or password.

June 27, 2023

Permit Sonoma
Claudette Diaz, Project Planner
2550 Ventura Avenue
Santa Rosa, CA 95403

RE: Proposed Sonoma County Local Coastal Plan Update and concerns related to private agricultural lands protected by a Marin Agricultural Land Trust Coastal Zone Easement

Dear Ms. Diaz:

Thank you for your thoughtful work related to promoting public access to the Estero Americano in Sonoma County. The Marin Agricultural Land Trust (MALT) respectfully submits this letter in response to the Draft Local Coastal Plan Update Policy Discussion Papers for the July 17, 2023 Board of Supervisors meeting. As previous discussion papers note, increasing public access to the Estero Americano is controversial and any new accessways need to carefully balance providing public access to the Estero Americano with protection of natural resources.

MALT holds an agricultural conservation easement on the Spaletta Ranch (Property) located at the mouth of the Estero Americano on the Marin County side. In addition to the agricultural conservation easement, MALT also holds a Coastal Zone Conservation Easement (CZCE) that is superior to the agricultural conservation easement and applies to the area between mean high tide and an elevation of 60 feet, along the Estero Americano and the coastline (CZCE exhibit map attached).

The purpose of the CZCE is to enable the Property to remain in its natural undeveloped state as habitat for plants and animals native to the coastal and estuarine environment and for the preservation of the scenic and open space values of the property. It is MALT's obligation to ensure that the purpose of the easement is fulfilled through monitoring of the easement and enforcement of its terms and restrictions, which include, but are not limited to:

“...the use of the Property shall be limited to open space, preservation in its natural condition, habitat protection and resource conservation...”¹ and,

“Nothing contained herein shall be to be construed as affording the public access to any portion of the Property subject to this easement”.²

With the likelihood of increased public presence in and around the Estero Americano with the addition of and/or proposed public access points, there is an increased chance of trespass on the Property, impacting the area of the CZCE. Any efforts to reduce the potential for public trespass on the Property and impacts to

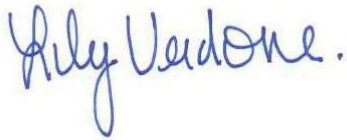
¹ Deed of Coastal Zone Conservation Easement. March 14, 1988. Marin Agricultural Land Trust. Section 3, Page 3.

² Deed of Coastal Zone Conservation Easement. March 14, 1988. Marin Agricultural Land Trust. Section 7, Page 7.

the CZCE that can be made through the planning and implementation phases of the Local Coastal Plan Update would be much appreciated by: 1) the Property owner, who are required to follow all the terms of the conservation easement; and, 2) the easement holder (MALT), who agreed to protect the conservation values and uphold the terms of the conservation easement in perpetuity.

We appreciate your consideration of the CZCE on the Spaletta Ranch and for valuing MALT's commitment to protect the integrity of properties covered by conservation easements.

Sincerely,



Lily Verdone
Executive Director
Marin Agricultural Land Trust



Zach Mendes
Director of Land Protection
Marin Agricultural Land Trust

Cc: Sonoma County Board of Supervisors
Spaletta Ranch

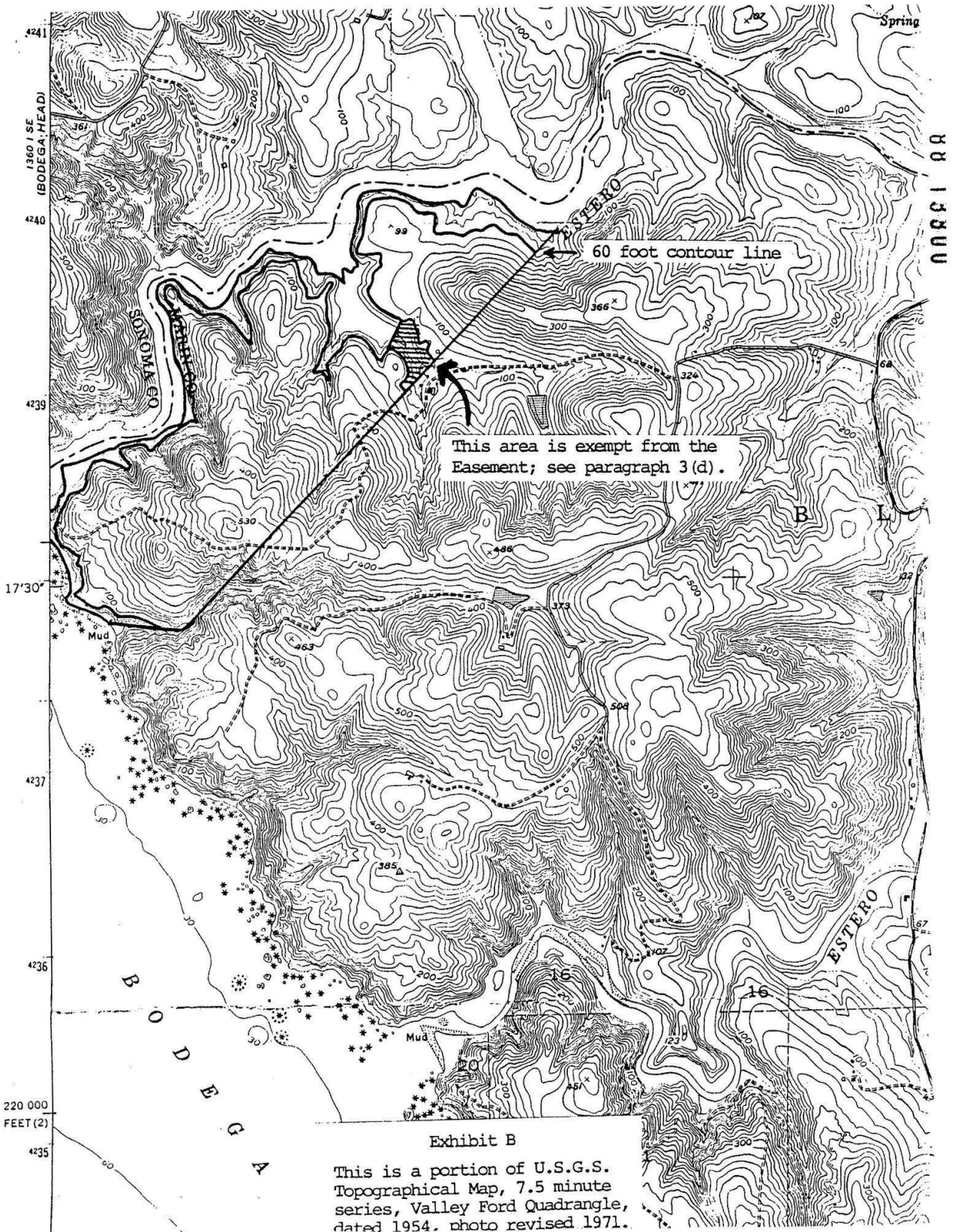


Exhibit B

This is a portion of U.S.G.S. Topographical Map, 7.5 minute series, Valley Ford Quadrangle, dated 1954. photo revised 1971.



Gary Helfrich
Planner III
County of Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
Submitted via email to: gary.helfrich@sonoma-county.org

Re: Public Comment on Local Coastal Plan from Stewards of the Coast and Redwoods

Dear Mr. Helfrich,

Stewards of the Coast and Redwoods is a nonprofit that partners with the Russian River Sector of California State Parks to promote, restore, and protect the natural and cultural resources in our parks. The sector includes Armstrong Redwoods State Natural Reserve, Austin Creek State Recreation Area, and Sonoma Coast State Park. State Parks depend on Stewards to provide funding and support for the Volunteers in Parks Program, educational and interpretive activities, resource management and stewardship projects, and to assist in the development of interpretive facilities and displays.

Sonoma Coast State Park is located between Jenner and Bodega Bay on Highway 1. This 10,000+ acre park was established in 1934 and includes over 15 miles of trails. It is a series of beaches separated by rock bluffs and headlands extending 17 miles inland from Bodega Head to Vista Trail four miles north of Jenner. Features that make this State Park one of California's most scenic attractions include long sandy beaches below rugged headlands, a craggy coastline with natural rock arches, and secluded coves. Beachcombers, fishermen, sunbathers and picnickers can access the beach from more than a dozen points along the coast from Highway 1.

Stewards' Seal Watch volunteers rove the Goat Rock Beach seal rookery, located at the mouth of the Russian River. Volunteers assist in protecting the harbor seals during pupping season through interpretation by sharing information with Park visitors about the harbor seals' identification, natural history, and their protection under the Marine Mammal Protection Act. Beachgoers from near and far are able to view the animals from a safe distance with help of ropes, signs, and binoculars maintained by Seal Watch volunteers.

With significantly increased park visitation following the COVID-19 pandemic, public wildlife viewing is exceeding the capacity of volunteers and park staff to protect the Goat Rock Beach pinniped population. Thus, Stewards is submitting comments on several sections of the Local Coastal Plan revisions currently being drafted by Permit Sonoma and under consideration by the Planning Commissioners that pertain to Pinniped and Sea Bird protection. We cite paragraphs from the currently published draft. Our comments and recommendations for changes follow each citation:

Page OSRC-17-18, 5th Paragraph: “Stellar [sic] sea lions and other pinnipeds haul out on offshore intertidal areas that become exposed at low tides. Seals and sea lions use intertidal areas and sandy beaches, spits, and bars to haul out and rest. Harbor seals specifically use sandy beaches including the beaches at Sonoma Coast Sea Ranch, Jenner and Bodega Bay to rest, molt, give birth, and nurse their pups. California sea lions and northern elephant seals are occasionally observed at these harbor seal haul out locations.”

Comment: There is insufficient description of the importance of protection of haul-out areas, which even today are subject to human and dog intrusions, with inadequate State Parks staffing to monitor the sites.

Recommendation: Change to: "Harbor Seals, Steller sea lions, and other pinnipeds protected under the and the Marine Mammal Protection Act (MMPA), haul out on intertidal areas that become exposed at low tides as well as on offshore rocks. Harbor Seals, in addition to using offshore rocks along the Sonoma coast, specifically use sandy beaches at Sonoma coast locations at Sea Ranch, Goat Rock Beach in Jenner, and in the intertidal areas of Bodega Bay to rest, give birth, nurse their pups, and molt."

Page OSRC-25, Policy C-OSRC-5e(3) “Public access to Offshore Rocks and onshore nesting/rookery areas used by seabirds to breed or nest or which provide habitat for seals and sea lions shall be prohibited. (EXISTING LCP REVISED: RECOMMENDATION 39 ON PAGE 31)

Page OSRC-26, Policy OSRC-5e(5): “Disturbance of marine mammal haul-out grounds shall be prohibited and recreational activities near these areas shall be limited to passive recreation. Disturbance of areas used by harbor seals and sea lions shall be **avoided**. (EXISTING LCP REVISED)

Comment: The two above-cited policies are intended to protect biological resources (nesting birds on offshore rocks and marine mammals). But there is no mechanism specified for enforcement of the prohibitions against trespass on or disturbance/harassment of these sensitive habitats.

Recommendation: Consider a programmatic revise to the public access element of the LCP for county, state, and federal agencies, and local nonprofit partners to develop a coastal development permit through the California Coastal Commission for a seasonal closure of a portion of Goat Rock Beach to protect the harbor seals during pupping season. Currently, State Parks and Stewards of the Coast and Redwoods Seal Watch Volunteers erect ropes and signage as a “symbolic” closure which we seek to have formalized through this programmatic mechanism and supported through agency collaboration.

Page OSRC-26, Policy C-OSRC-5e(6): “Encourage the California Department of Fish and Wildlife to monitor Marine Mammal Haul-Out Grounds on an annual basis to determine their condition and level of use by marine mammals; and to incorporate this information into its management plan for marine mammals. (EXISTING LCP REVISED)”

Comment: Annual monitoring is not sufficient. Stewards currently monitors on a bi-weekly basis and monitoring should occur on a weekly basis during March-June pupping season and the August-September molting season.

Recommendation: Change to: "Collaborate with the California Department of Fish and Wildlife and Sonoma Water to monitor Marine Mammal Haul-Out Grounds on a bi-weekly basis and on a weekly basis during pupping season (March through June) and molting season (August through September), in order to determine their condition and level of use and to incorporate this information into its management plan for marine mammals."

Thank you for your consideration of these important issues. Protection of Sonoma Coast wildlife from human disturbance is critical to the beauty and value of the California coastal zone.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Lindenberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Justin Lindenberg
Executive Director

From: [Denny](#)
To: [Cecily Condon](#)
Cc: [Claudette Diaz](#); [PRMD-LCP-Update](#)
Subject: Re: Checking in
Date: Monday, June 12, 2023 5:14:47 PM

EXTERNAL

Thank you Cecily,

Yes, I was able to review the documents. I actually was in Permit Sonoma today to figure out the current LCP ESHA maps and ask questions about why my 1550 Estero Ln parcel is designated a conservation area. I did reach out to John Mack, Rich Stabler and Gary Helfrich last summer as well and never got a clear answer. During the recent LCP process, it was on the map, then removed, only to be added again. My question is how and when this designation was triggered, what does it mean and what are the potential future consequences? I have owned the property since the late 1980's. Since that time I have underground PGE, designed a driveway and retaining walls, built a house and studio all under the supervision of the Permit Sonoma /Coastal Commission permit process. No one in the county ever mentioned my property was designated a conservation area. I did do a biotic study for myrtle silver spot butterflies as a result of a 1991/92 potential siting on or near my property. This siting was never reported to me at the time nor was permission asked for access.

I have reached out again to Rich Stabler. I hope Permit Sonoma can clear this up for me. Thanks again,

Denny Tibbetts

Sent from my iPad

> On Jun 12, 2023, at 3:17 PM, Cecily Condon <Cecily.Condon@sonoma-county.org> wrote:
> Denny,
> The materials were posted on Monday June 5th, but I believe after your email. I was out of the office for a few days so I hope this has since been resolved but if you have not been able to retrieve the materials by this time please let us know.
>
> Thank you,
> Cecily Condon
>
>
> -----Original Message-----
> From: Denny tibbetts <tibbsx4@comcast.net>
> Sent: Monday, June 05, 2023 10:47 AM
> To: Cecily Condon <Cecily.Condon@sonoma-county.org>
> Subject: Checking in
>
> EXTERNAL
>
> Hi Cecily,
>
> Checking in to see when we will see updated language for the July 17 BOS meeting. We had expected to see it end of business Friday June 2. Hope to hear soon. Thank you,
>
> Denny Tibbetts
>
> Sent from my iPhone
>
>

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From: [Scott Orr](#)
To: [Claudette Diaz](#); [Cecily Condon](#); [Doug Bush](#); [Ross Markey](#)
Subject: FW: LCP Vacation Rental Program
Date: Friday, June 30, 2023 7:59:07 AM

From: Mark Watson <markwatson@cantab.net>
Sent: Tuesday, June 27, 2023 1:38 PM
To: district5 <district5@sonoma-county.org>
Cc: Scott Orr <Scott.Orr@sonoma-county.org>; Donna C. Martinez <dmartin336@gmail.com>; Chris Kenber <ckenber@sbcglobal.net>; Sean SeLegue <sean.selegue@gmail.com>; James Curley <jrc@coniunct.io>; Pauline Chew <pauline@oculusmgt.com>
Subject: Re: LCP Vacation Rental Program

Hi Lynda,

Thank you for your prompt response. The words “**community character, noise, traffic impacts**” are also new (they are not in the [current draft](#)) and it is the whole change that we object to being introduced in this way, not specifically housing affordability.

Every other such change to the LCP text has been through a process of staff study and reports and public comment, this should be no different. Yes, Vacation Rentals in the LCP have been discussed for years and at no time has the County proposed to add reasons for land use policies beyond the original three or ESHAs, water quality and coastal access.

Further, as I explained, the careful scope of the existing LCP text has been a major factor in gaining wide support for the Vacation Rental License and Zoning Permit. Permit Sonoma has been clear with all of us that a wider scope for land use policies would only come later, presumably after we have time to observe the effects of the new policies and especially when we have solid data about the number of STRs over time. So this would be an about-face, immediately after the License and Permit are approved, which seriously undermines any trust you may have built up with the community. To us, it is certainly a major change.

I am personally very supportive of housing affordability and a long-time supporter of and donor to Senator Scott Weiner who has championed innovative and significant state-wide action. But I am rather skeptical of the scapegoating of STRs. The affordability crisis statewide, perhaps nationwide, lies entirely on the shoulders of governments and leaders who have made housing production far too bureaucratic and onerous over many decades. As far as I am aware, when there have been actual studies of the impact of STRs on housing affordability the link has been weak at best. In Santa Barbara, for example, where a ban on STRs was proposed supposedly for exactly this reason, it was shown that only a tiny fraction of STRs would become long-term rentals if the ban was allowed to go ahead (it

was not). The reason is easy to see: most STRs are family vacation homes which become vacant second homes if they cannot be rented short-term. STR restrictions have a huge impact on public access and property rights, for a tiny handful of long-term rentals. This is not a fair or efficient policy.

In any case, the new Vacation Rental License prevents any new corporate ownership of STRs which is typically cited as the cause of proliferation where it does occur.

To be honest, if I am wrong about that, I think you would find it easy to change people's minds if you collected evidence, conducted a proper study of the likely impact of proposed policies and considered whether that impact was actually worth the costs. Focussing on policies that probably won't have a significant impact is not going to help those in need of housing. And short-circuiting a process we have all invested in with significant last-minute changes is just the sort of political maneuvering that simply galvanizes opposition.

I hope you will reconsider and return to this issue as part of the regular process following the certification of the LCP, as we were promised.

Best ... Mark

On Jun 26, 2023, at 9:14 PM, district5 <district5@sonoma-county.org> wrote:

Hi Mark,

Thank you so much for sharing your concern. In fact, vacation rentals on the coast have been the subject of multiple public meetings going back years. A quick search of my email referred back to many communications I received regarding a public Board of Supervisors meeting that took place in 2020. I have consistently requested that the coast be addressed promptly during discussions of inland vacation rental regulation. And I have stated my support for some consideration of density restrictions on STRs that would be developed in concert with each coastal community — not a one-size-fits-all solution. Staff has informed me that the future implementation process will be able consider density as long as it relates to the items described in the policy. To be perfectly clear, I am not proposing any kind of blanket ban, or cap, or anything like that.

The only change being proposed is to add the phrase "housing stock and affordability" to an existing proposed policy that has been part of the LCP package since the Planning Commission version.

Here it is:

Program C-LU-5-1P: Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where concentration of vacation rental [sic] would impact environmentally sensitive habitat areas, water quality, **housing stock and affordability**, community character, noise, traffic impacts or coastal access and develop land use policy to avoid these impacts.

Given the high priority placed on affordable housing in the LCP, I believe that this minor edit is consistent with the document's overall policy. And I do not believe that it constitutes "a major substantive change" as you assert. If you do not support housing affordability or availability for the workforce needed to service STRs, we will have to agree to respectfully disagree. It may not be the case in The Sea Ranch, but in certain areas of the coast — just as we have seen in the Lower Russian River and elsewhere in West County — STRs are displacing long term rentals, the tenants of which comprise our workforce. That includes not only hospitality and agricultural workers, but also teachers, firefighters, and EMTs.

Take care,

Lynda

Get [Outlook for iOS](#)

From: Mark Watson <markwatson@cantab.net>

Sent: Monday, June 26, 2023 7:21 PM

To: district5 <district5@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>

Cc: Donna C. Martinez <dmartin336@gmail.com>; Chris Kenber <ckenber@sbcglobal.net>; Sean SeLegue <sean.selegue@gmail.com>; James Curley <jrc@coniunct.io>; Pauline Chew <pauline@oculusmgt.com>

Subject: LCP Vacation Rental Program

Dear Supervisor Hopkins, Deputy Director Orr,

We are writing to you on behalf of The Sea Ranch Hosting Coalition which is a group of over 300 Sonoma County homeowners.

We were shocked to hear at the Coastal MAC meeting this week that you may propose a last-minute change to the Local Coastal Plan program on vacation rentals. The LCP text on this matter was the subject of substantial public input to the July 26th 2021 Planning Commission at which the Commission clearly re-affirmed its original proposal to include restrictions only for the three specific

reasons mentioned. In fact we were chastised for bringing comments against an expansion that - they said - wasn't even proposed. Subsequent hearings on this matter on January 13th and February 3rd 2022 also resulted in no change to the text.

In the context of this stable and established proposal for the LCP, we have worked with the Planning Department and yourself on the new Vacation Rental License and Zoning Permit, which will apply on the Coast once certified.

Changing this LCP text now is a major and stunning last-minute surprise.

The current text is important to many people and continues to play a significant role in enabling us to rally our members behind the License and Zoning changes. We do understand that there will be a further public comment opportunity on the Implementation Plan but we still object to changing the scope of the LCP program without proper consideration and public comment.

All other changes to the Local Coastal Plan have followed a process of public consultation, with staff reports, MAC meetings and an opportunity for the public to engage on the specific text proposed.

We feel it is completely inappropriate - and a betrayal of trust and goodwill - to simply read into the record a major substantive change to the scope of the LCP update at this late stage. Had such a change been proposed properly, you would for sure have seen substantial public engagement on the scope of the change and specifically the reasons and evidence for restrictions to be considered. Staff could have been instructed at any time over the last two years to develop alternative policy options.

Finally, it was suggested at the MAC that you may rely procedurally on an old public comment, presumably from The Sea Ranch Association. This was the subject of intense opposition within the Sea Ranch and the Planning Commission. It did not even represent TSRA's own STR Task Force conclusion or TSRA member opinion and is very likely not supported by the current TSRA Board. It would be a reckless abuse of procedure to use this to circumvent the normal public consultation process.

We urge you to reconsider this last minute change. We look forward to helping our members with the rollout of the new County policies and participating in an open public process for the evolution of these policies in future, based on evidence and community consultation with adequate notice and opportunity to respond.

Yours sincerely,

Mark Watson, Donna Martinez, Chris Kenber, Sean SeLegue, James Curley,
Pauline Chew

On behalf of The Sea Ranch Hosting Coalition

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From: [Kathy Duran](#)
To: [district5](#); [PRMD-LCP-Update](#); [BOS](#)
Subject: LCP-Estero Ranch/Bodega Harbour
Date: Saturday, July 01, 2023 12:55:31 PM

Gentlemen/Ladies:

I write to you today to oppose the county's plan to use existing paths to the beach on Bodega Harbour Homeowners Association property to access the Estero Ranch. I reside in the homeowners association, but on the east side of Highway 1. Many times in the last three years I have visited friends near Short Tail Gulch on the weekends and found parking nearly impossible. Although that is certainly an inconvenience what concerns me most is that when parking is on both sides of Osprey or many other small roads in the Harbour, it is impossible to get a fire truck through, the roads are simply too narrow. In addition, friends that live near Short tail Gulch talk about the multitude of litter they pick up each weekend day and since there is no public restrooms, the offensive litter they find on their property.

Given these facts, to allow the Estero Ranch additional public access when the only place to park would be in our community makes no sense. The BHHA board has for many years sporadically met with various employees of the Estero Ranch and discussed the Estero Ranch's landlocked property, which they were aware of when the property was purchased.

I would respectfully ask you to deny the Estero Ranch's request to access through our already impacted community. Thank you for your kind consideration.

Sincerely,

Kathy Duran

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LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY
INCORPORATED

3333 MENDOCINO AVENUE, SUITE 200

SANTA ROSA, CALIFORNIA 95403

FAX: 707 546-1360

TELEPHONE: (707) 523-1181

ERIN B. CARLSTROM, CHAIR

STEPHEN K. BUTLER
LAND USE DEPARTMENT

STEPHEN K. BUTLER
(1952-2023)

July 5, 2023

VIA EMAIL

District3@sonoma-county.org

Chris Coursey, 3rd District Supervisor, Chair

District4@sonoma-county.org

James Gore, 4th District Supervisor

David.Rabitt@sonoma-county.org

David Rabbitt, 2nd District Supervisor

Susan.Gorin@sonoma-county.org

Susan Gorin, 1st District Supervisor

Lynda.hopkins@sonoma-county.org

Lynda Hopkins, 5th District Supervisor

Re: *Local Coastal Plan Update – [Agenda Item July 17, 2023](#)
Public Access – Short-Tail Gulch and the 1977 Transcentury Settlement Agreement*

Chair Coursey and Supervisors Rabbitt, Hopkins, Gore and Gorin:

In our correspondence of June 8, 2023, it was requested the LCP provision *I-34 Estero Ranch* be modified to remove language that implied or stated that access to Estero Ranch could be via the Short Tail Gulch, Pinnacle Gulch, or other Bodega Bay Homeowner Association (BHHA) property.

I write to clarify that our client's request extends to all LCP content that proposes or refers to public access points that mirror the language to which our clients previously objected.

For example, the attached LCP Public Access Point #1-35 "Estero Creek Preserve" depicts the access point to Estero Ranch at the Pinnacle Gulch parking lot. (FIGURE C – PA – 1i, Public Access SubArea 9). The legend states that I-35 is an "existing" public access point to Estero Ranch. *This is not, and has never been, a public access point to Estero Ranch.* This reference is incorrect and should be removed.

There may be other text or graphics in the LCP or related county documents that make erroneous reference to using BHHA property to access Estero Ranch or Estero Americano. We respectfully request that these references be removed based on the rationale stated in our letter of June 8, 2023.

Supervisors Coursey, Rabbitt, Hopkins, Gore and Gorin

July 5, 2023

Page 2

Thank you as always for your service to our beautiful community, and attention to these important issues.

Sincerely,



ERIN B. CARLSTROM

/ebc

attachment

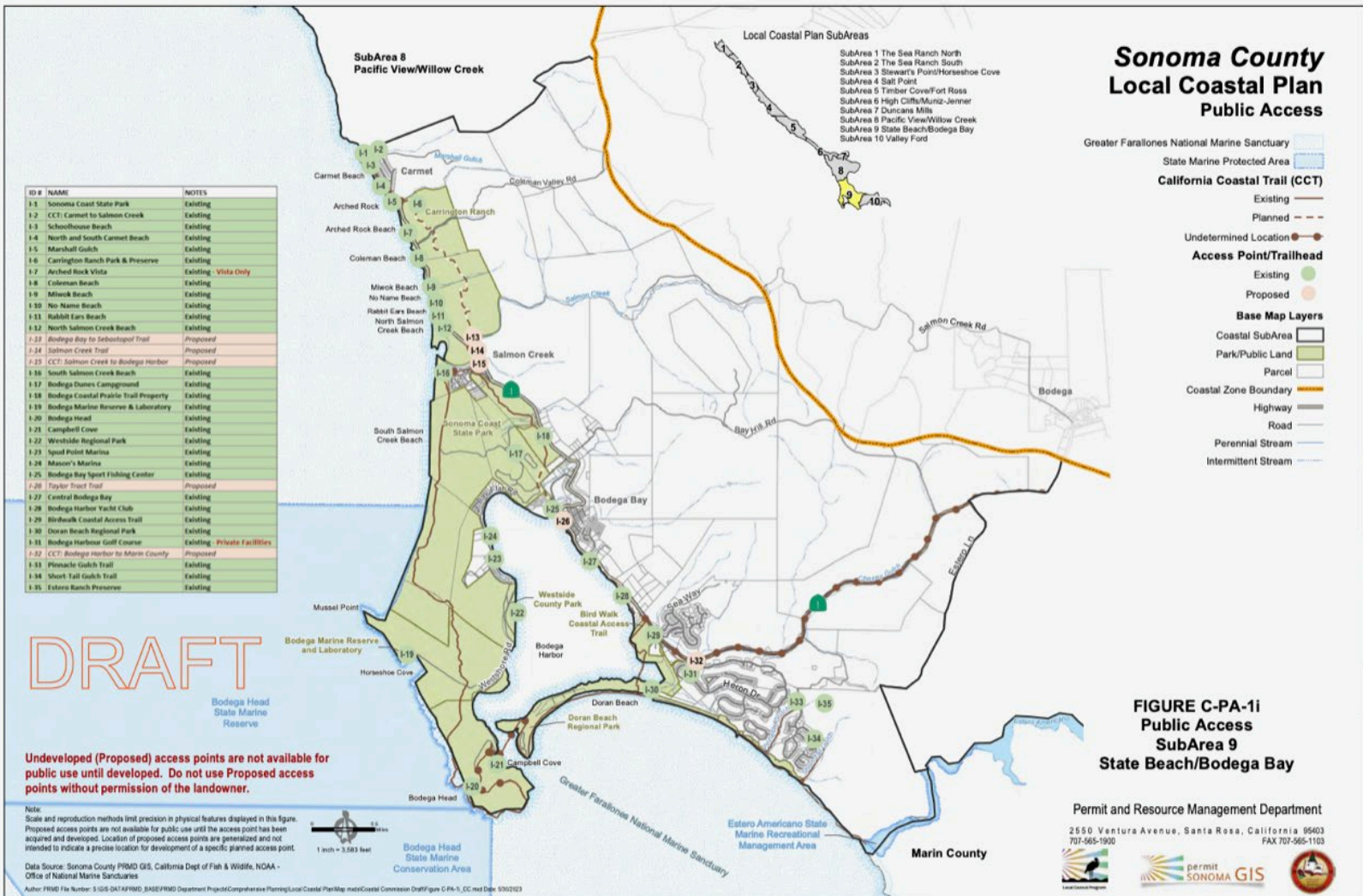
c(w/att.): Jennifer Klein, Chief Deputy County Counsel *(via email)*

Verne Ball, Deputy County Counsel *(via email)*

Tennis Wick, Director, Permit Sonoma *(via email)*

Claudette Diaz, Project Planner, Permit Sonoma *(via email)*

clients *(via email)*



From: [Cindy Eggen](#)
To: [Claudette Diaz](#)
Subject: Horse trails & identify existing horse trails to LCP map
Date: Wednesday, July 05, 2023 10:57:13 AM

EXTERNAL

Dear Claudette ,

Thanks so much for taking the time for comments on LCP.

I have in the past 7 years made comments to Gary to please add equestrians trails to plan & map

In legislation description public access description ispedestrian, cyclists , equestrians ... but still no mention of equestrians..... please please add equestrians trails to map..... existing trails on Doran beach & a equestrians parking lot. We are special needs in the sense we have trucks & trailers. Also Bodega dune trail & parking lot on Bay flat road. And proposed trails on Carrington ranch & Chansler ranch.

Thank you so much.

If I can assist you in anyway please call 707-529-2069 or email me

Sincerely Cindy

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From: [Hannah Clayborn](#)
To: [Susan Gorin](#); [David Rabbitt](#); [district3](#); [district4](#); [district5](#); [Claudette Diaz](#)
Subject: Sonoma Coast LCP: Policy C-LU-5m
Date: Wednesday, July 05, 2023 2:10:05 PM
Attachments: [Sonoma Coast LCP Clayborn 2023.07.05.pdf](#)

Sonoma Coast LCP 2023.07.05

Dear Sonoma County Supervisors:

Please maintain the longstanding parcel-specific protections for the vulnerable community of Timber Cove as part of the Sonoma Coast LCP. Please DO NOT follow the July 2023 staff recommendations:

Policy C-LU-5m Policy C-LU-5m:

Limit expansion at the Timber Cove Inn to improved parking and public access facilities.

Policy C-LU-5m (Alt 1): Remove.

Comment: Because of its location west of Highway 1, any coastal development permit issued for expansion would be appealable to the Coastal Commission. Existing site constraints in this project area and potential limitations on development at this site and throughout the coastal zone would be adequately addressed through existing and proposed policies.

Additionally, application of a site specific policy referencing a specific business rather than any geographic boundary is unclear and requires additional interpretation."

These parcel-specific policies for the commercial entity, Timber Cove Inn, were placed for good reason: to prevent commercial interests, using money and influence, from expanding in a sensitive coastal area with an aged, limited water system. Over the last decade we have seen such corporate interests repeatedly overwhelm planning regulations. The most notable example was the approval of a huge industrial printing operation above Salt Point State Park. This project favored a small religious sect over other religious groups and ordinary citizens. One of the supervisors involved in that approval later became a paid consultant for the wealthy corporate entity running the Ratna Ling Retreat, who benefited by his decision as a Supervisor.

The recommendation of the Sonoma County Coast Municipal Advisory Council is not valid on this matter. The residents of the subdivision of Timber Cove, who will be most affected by this proposed change, have no representation on the Sonoma County Coast Municipal Advisory Council. In the past only one Timber Cove resident served on the SCCMAC. She is the paid representative of the developer of the Timber Cove Resort expansion.

The legal discretion afforded to the Board of Supervisors to override zoning policies is great. Please leave these much needed parcel specific restrictions in our Local Coastal Plan.

Respectfully,

Hannah Clayborn
22050 Timber Cove Rd.
Jenner, CA 95450

707.847.3125

(please see also attached)

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Via Email 6/28/2023:

From: C.Estrada est3520@gmail.com

District5@sonoma-county.org

PRMD-LCP-Update@sonoma-county.org

bos@sonoma-county.org

TOPIC: LCP – Density Limits of Short-Term Rentals (STRs) in the Sonoma County Coastal Zone

OVERVIEW

At the Coastal Municipal Advisory Council (MAC) meeting about the Sonoma County LCP held at the Bodega Bay Clubhouse on 7/22/23, near the end of the meeting (at about 1 hour, 50 minutes into the hearing) a single speaker argued for short-term rentals (STR) density limits. She asserted that there were "verbal agreements" that density would be included in the final LCP because without its mention limits on density could not be implemented after the LCP is approved.

In response Supervisor Hopkins offered to "read it into the record"; she said she would "raise it from the dais" as a member of the Board of Supervisors.

Any supposed "verbal agreement" seems strikingly like a "backroom deal" outside the lengthy public process. Further, no evidence suggests that STR density limits are justified on the coast, and all the evidence shows that core policies of inclusion and coastal access would be undermined by such limits.

STR DENSITY LIMITS ARE UNNECESSARY AND UNWISE IN THIS COASTAL RURAL AREA

It is inappropriate to apply "density" standards to such a rural coastal area, especially where STRs have existed for decades. The Sonoma County coastal zone is a tourist and vacationer's magnet. It has limited development. It has beautiful vistas, trails, and ocean views for the public to enjoy.

The draft Sonoma County LCP has already prohibited STRs in coastal zone R-1 zoned areas. This is a very big change and will limit the availability of affordable STRs to Californians. To extend "density" limits to the remainder of the coastal zone STRs will shrink the available lodging even further,

making the coastal zone a high-priced country club for those who can afford to buy property on the coast.

The Sonoma County Coastal Zone will become even more of a private enclave for rich, white people - I cannot say otherwise. This undermines the goals of the Coastal Act and will decrease the public's coastal access.

OPPOSITION TO ADDING LCP STR DENSITY LIMITS

Marti Campbell (Coastal MAC Member from Sea Ranch/Annapolis) spoke (at about 2 hr 4 min into the recording) and expressed opposition at the inclusion of STR density limits at such a late stage of the LCP development. She said STRs have been a part of The Sea Ranch for 50 years and there is no increase in their numbers since then.

I too spoke briefly on the issue stating that density is not a coastal zone problem as it may be inland (Santa Rosa, Healdsburg, Petaluma). The Coastal Zone is a rural area 55 miles long with less than 4000 residents (less than one percent of the county population).

The California Coastal Commission through the Coastal Act supports the public right to coastal access. The beaches in essence belong to the people and we must welcome them to our magnificent coast. This is done every day by owners of coastal zone homes that operate as short-term rentals.

I pointed out at the hearing that visitors to our coast are diverse - they are families, young people, minorities, people who cannot afford to live here. In contrast, the residents of the Coastal Zone are older, richer, and about 90% white. We must open our coast to the public.

I join Marti Campbell in her opposition to adding STR density to the LCP. STR density is simply not a factor in such a spacious, rural area that has historically, for many decades, had STRs.

COUNTY DEMOGRAPHICS DO NOT SUPPORT DENSITY LIMITS ON THE COAST

Sonoma County's coast has few jobs, development or public agencies. Originally it was home to fishing villages and farms. The area has evolved in the last 60 years but the rural nature remains. The fishing has diminished, many farmers have sold their land to major trusts to protect the land forever. The housing developers' plans were crushed by the passage of the Coastal Act in 1972.

Over 70% of the Sonoma County coastal population live in two homeowners' associations – The Sea Ranch and Bodega Harbour. Like The Sea Ranch, the Bodega Harbour Homeowners Association (BHHA) has had STRs since it was developed over 50 years ago. About 50% of the BHHA homes are either 2d homes or STRs. To further limit STRs in our area will mean a high percentage of our homes will remain vacant most of the year, except when 2d home owners can visit their property.

The sole speaker supporting density limits spoke of maintaining the "community". *Community* should be based on inclusion not *exclusion*. The "community" on the Sonoma County coast is rural, with few residents, and many 2d homes. Recent Census Data shows that almost 50% of the Bodega Bay homes are essentially vacant - they are categorized as "for seasonal or recreational use". Why lock in this property underutilization and keep out California visitors to the coast by applying density standards to existing coastal STRs?

SUMMARY

I have provided previous testimony on this issue with more facts and figures. The Sonoma County Coastal Zone is unlike the other areas along the California coast where density limits have been applied. Our coast has few condos, apartments, or multiplexes. The majority of our homes are single family dwellings, and Permit Sonoma proposes removing the older ones (R-1) from the STR available pool.

Please do not add density for STRs into the LCP. It is unnecessary. To us, the public who have been following your LC public process since 2015, it looks like an insider backroom deal to verbally add this important issue at the last minute from the dais. There has been no public hearing or input.

The bottom line is it is unnecessary on our rural coast area with so few permanent residents.

Thank you for the opportunity to comment.

Carmen Estrada
Resident
Bodega Bay

From: [C Estrada](#)
To: [district5](#); [BOS](#); [PRMD-LCP-Update](#)
Cc: [CCC North Central Coast](#)
Subject: LCP Update Comments - Exclude Density limits for STRs
Date: Friday, June 30, 2023 1:43:17 PM
Attachments: [2023.30.06.LCP.DensityLimits.pdf](#)

Dear Supervisors and Permit Sonoma

Attached please find my LCP Update public comments on an issue raised at the Coastal MAC hearing on the LCP Update held in Bodega Bay on 7/22/2023.

At the end of the session one audience member raised the issue of adding density limits for Short Term Rentals. One Coastal MAC representative (Marti Campbell) and I opposed that proposition at the meeting.

Below are fuller comments on why there should be no STR Density Limits on the Sonoma County Coastal Zone.

Thank you
Carmen Estrada
Resident
Bodega Bay, CA

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From: [Liz Homans](#)
To: [PRMD-LCP-Update](#)
Subject: No Estero Ranch access through Bodega Harbour
Date: Monday, July 03, 2023 8:59:53 AM

To whom it may concern:

I am a Sonoma County registered voter and I live in Bodega Harbour at 20689 Heron Drive. I am a homeowner, have been a part-time resident for over a decade, and a full-time resident for the last four years.

I strenuously object to the proposal to use our community as an access point for trails to the Estero Ranch property for the following reasons:

1. My understanding is that the proposal is:
 - In direct violation of a 1977 Stipulated Judgement signed by the Harbour developers and the County to ensure reasonable public access to the beach via the harbour property. The Grant Deed does not provide for access to inland areas, it is limited to access to the beach.
 - The 1977 Stipulated Judgement is a legal agreement that extends in perpetuity.
 - According to the Judgment Short Tail Gulch can only be used for beach access.
2. The Shorttail trailhead and Pinnacle Gulch trailheads already have insufficient parking and so visitors consume all available street parking, on both sides of the street clogging the community. In some areas, it is unclear whether or not emergency vehicles have enough space to access homes when the cars line both sides of the street.
3. Our neighborhood is already inundated with hikers and daytime visitors who have no regard for the community. The garbage on the street by our house and along the trail (which I use several times a week) is both voluminous and disgusting. It includes dog poop, used toilet paper, wrappers, plastic bags, bottles and more.

Liz Homans

--

lizhomans@gmail.com

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Supervisor Lynda Hopkins
Sonoma County Board of Supervisors
PRMD LCP Update Committee

July 3, 2023

Re: Local Coastal Plan Update

Supervisor Hopkins, etal:

I have been told that the LCP Update includes authorization to provide access to the Estero Ranch from the Bodega Harbour.

First, the County does not have the authority to grant this access. The authority is reserved to the Bodega Harbour Homeowners Association in the 3-way 1977 agreement of the Coastal Commission, Sonoma County and Transcentury which established the BHHA. In that agreement, it is stated that two easements are granted by Bodega Harbour and to maintained by the County to “insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development.”

As clearly stated in this foundational document, the two easements granted by Bodega Harbour are solely for access to the beach. Any new easements must have the consent of the Bodega Harbour Homeowners Association.

Second, the Bodega Harbour Homeowners Association has never encouraged the land trust of the Estero Ranch that access would be provided through the streets of the Bodega Harbour. I was a member of the board of the Bodega Harbour Homeowners Association from 2014 to 2020. When the Estero Ranch was purchased by the land trust, they approached the board about providing access either through the Pinnacle Gulch beach access parking lot on Mockingbird or via the Short Tail Gulch pathway, and, later, for possible access through our Bruin Ranch storage area. Following discussions by the board, while I was a member, we concluded and informed the land trust that access via the Bodega Harbour streets would not be granted due to the increase in traffic and the limited parking which is fully utilized for beach access. Access through the Bruin Ranch road was also denied because the road is not suitable for public travel especially a section of narrow road on a steep hillside.

For these reasons, the LCP Update should not and legally can not mandate an access from the Bodega Harbour to the Estero Ranch.

Sincerely,
Ralph Schoolcraft

From: [kel Sheppey](#)
To: [PRMD-LCP-Update](#)
Subject: No Estero Ranch access through Bodega Harbour
Date: Tuesday, July 04, 2023 2:11:14 PM



To whom it may concern,

I live in Bodega Harbour at 20689 Heron Drive and am a registered voter in Sonoma County.

I am concerned about the proposal to use our community as an access point for trails to the Estero Ranch property as because of beach access via Shorttail and Pinnacle gulch trails has already caused our neighborhood to be inundated with day visitors who have little regard for local residents, any increase in visitors would significantly negatively impact our neighborhood.

People live here because they like peace and quiet, which is ensured through regulations written into the bylaws governing residents in the Bodega Harbour complex. While I recognize the public right to access beaches, no such right applies to inland areas, and the disturbance that this would create would be directly contradictory to the ethos of Bodega Harbour complex.

I note that the residents of Estero Lane already have rejected the proposal to use their road as access for the same reasons. We live with the reality of lots of day visitors taking over the neighborhood on a regular basis and the complaints resulting from this are not imaginary.

It is important that people have beach access and that wealthy people do not exclude the general public from such access, but this needs to be balanced against the disruption to neighborhoods, who also have a right to peace and quiet. The reasonable solution is allowing a reasonable number of people access, controlled via designated parking. This already is not happening and the signs of overuse in the degradation of the beaches and access trails is very apparent.

There are other considerations:

The proposal violates a 1977 Stipulated Judgement signed by the Harbour developers and the county to ensure reasonable public access to the beach via the harbour property. The Grant Deed does not provide for access to inland areas, it is limited to access to the beach. The 1977 Stipulated Judgement is a legal agreement that extends in perpetuity and can only be used for beach access.

We already have enough trouble with people using Shorttail Gulch and Pinnacle Gulch trailheads with overflow parking often creating parking issues in the neighborhood. Many more people want to use the beach access than the parking lot can accommodate and so visitors consume all available street parking without any regard for local residents. In some areas, it is unclear whether or not emergency vehicles have enough space to access homes when the cars line both sides of the street.

Our neighborhood is already inundated with hikers and daytime visitors who have no regard for the community. Garbage on the street by our house and on the trails is significant includes dog feces, used toilet paper, wrappers, plastic bags, bottles, beer cans, etc.

For all these reasons, I strongly object to any proposals to increase parking access in the Bodega Harbour complex for increased beach access or for inland access. This is being overused already and constitutes a real nuisance for residents.

Kel Sheppey

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From: [Eric Vanderbilt](#)
To: [Claudette Diaz](#)
Subject: Fwd: [EXTERNAL] Reminder Local Coastal Plan: 7/17 Board Date
Date: Wednesday, July 05, 2023 1:01:40 PM

Hi Claudette, Please forgive my limited understanding of policies governing short term rentals in Sonoma County. I believe the following statements are true:

- 1) The County adopted a short term rental ordinance last year.
- 2) The County's ordinance does not apply in Jenner and other County areas within the Coastal Zone.
- 3) Short term rentals within the Coastal Zone are governed by the LCP.

Can you please tell me if the above three beliefs are right or wrong.

If they're right, can you please refer me to the location in the LCP where short term rentals are limited by rules.

If they're wrong can you please point me to whatever document you think is best to help me learn more.

Thank you, Eric Vanderbilt

----- Forwarded message -----

From: **Vanderbilt, Pamela** <Pamela.Vanderbilt@jacobs.com>
Date: Wed, Jul 5, 2023 at 9:54 AM
Subject: Fwd: [EXTERNAL] Reminder Local Coastal Plan: 7/17 Board Date
To: ericvan.mege@gmail.com <ericvan.mege@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: "Sonoma County, CA" <casonoma@public.govdelivery.com>
Date: July 5, 2023 at 8:50:51 AM PDT
To: pvanderb@ch2m.com
Subject: [EXTERNAL] Reminder Local Coastal Plan: 7/17 Board Date
Reply-To: casonoma@public.govdelivery.com

Sonoma County Permit and Resource Management Department



Permit Sonoma is excited to share that the Board of Supervisors will consider adopting the Local Coastal Plan Update on July 17, 2023.

At their April 4, 2023, meeting, the Board of Supervisors directed staff to conduct additional public outreach with regard to policy options relating to:

- Agricultural uses
- Public access
- Fire fuel management.
- Preservation of non-commercial forests and woodlands
- Site-specific policies for visitor-serving development
- Pesticide regulation

Local Coastal Plan



Permit Sonoma published a [new set of policy option discussion papers](#) that provide analysis and recommendations. The Board of Supervisors will consider these recommendations and adoption of the Local Coastal Plan on July 17, 2023.

You can provide comments to Claudette Diaz, the project planner, via:

- Email: Claudette.Diaz@sonoma-county.org
- Phone: (707) 565-7387

The agenda will be released and a reminder email will be sent in advance of the July 17, 2023, Board meeting.

Once adopted by the Board of Supervisors, the Local Coastal Plan will be reviewed by the Coastal Commission and certified for consistency with the Coastal Act.

You can learn more, including where to find physical copies of the draft, on the [Local Coastal Plan webpage](#).

Sincerely,

Claudette Diaz



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**Sonoma County Permit and Resource
Management Department**
www.PermitSonoma.org

This email was sent to pvanderb@ch2m.com using GovDelivery Communications Cloud on behalf of: Sonoma County, California · 575 Administration Drive · Santa Rosa, CA 95403



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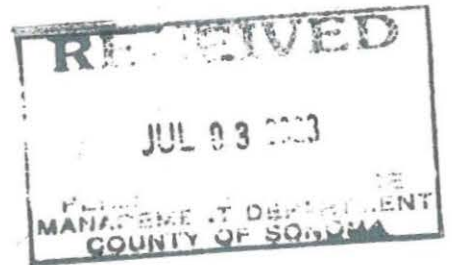
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Cecily Condon
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2550 Ventura Ave.
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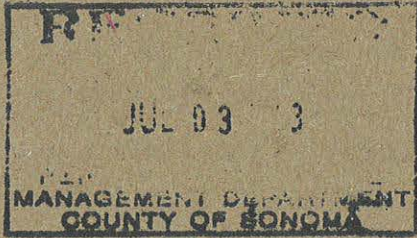
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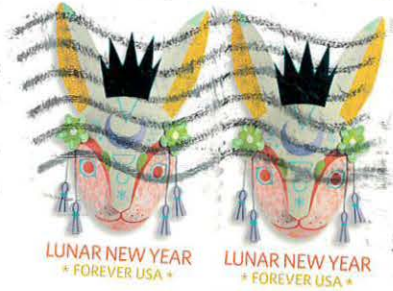
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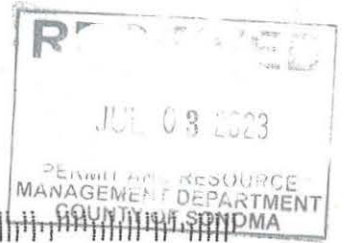
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Permit Sonoma Director
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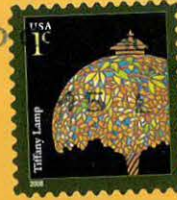
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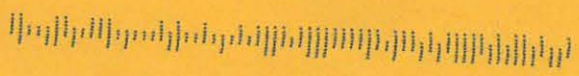
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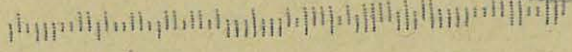
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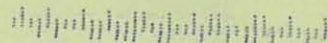


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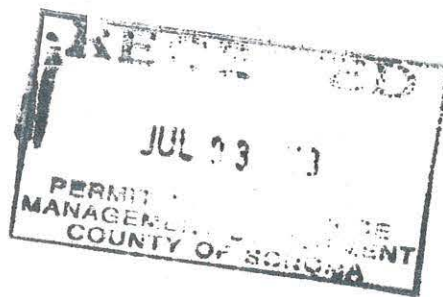
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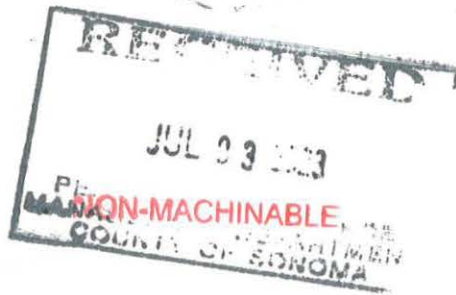
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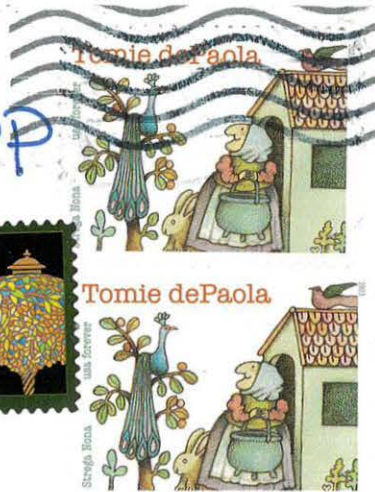
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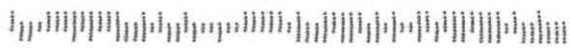
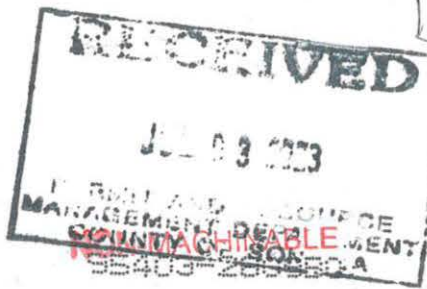
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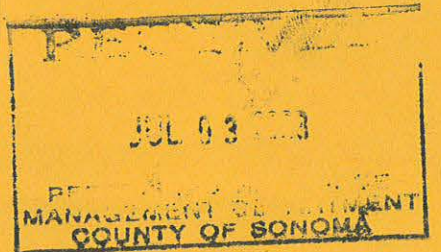
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Tomie dePaola



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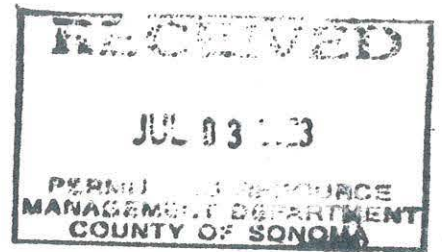
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From: [Margaret Grahame](#)
To: [Margaret Grahame](#)
Cc: [BOS](#); [district5](#); [Scott Orr](#); [Cecily Condon](#); [Claudette Diaz](#); [Stephanie Rexing \(Stephanie.Rexing@coastal.ca.gov\)](#); [Scott Farmer](#); [Martha Campbell Coast](#); [Brian Leubitz](#); [beth.coastmac@gmail.com](#)
Subject: URGENT: Last Minute Changes to Local Coastal Plan - Policies Restricting Development and Coastal Septic
Date: Wednesday, July 05, 2023 6:54:34 PM
Attachments: [image001.png](#)
[image002.png](#)
[LCP Parcel Specific Redline — R3.pdf](#)
[Cal Coastal Act.pdf](#)
[July 2023 BOS Discussion Papers Combined.pdf](#)

Hello all,

I am reaching out to you as someone who is involved in business or development on the north Sonoma Coast. At a special Coast Municipal Advisory Committee (MAC) meeting on the proposed Local Coastal Plan (LCP) on June 22, 2023, our district supervisor, Supervisor Hopkins, signaled her desire to introduce three new policies in the Visitor Commercial Serving section of the LCP (attachment LCP Parcel Specific Redline – R3).

These policies are:

- **Blufftop/Sea Level Rise Policy:** *North of Jenner, limit new blufftop development west of State Highway 1 to public facilities, public access, residential uses, and traditional Tribal uses.*
- **Desalination Policy:** *In order to avoid toxic brine discharges, inducement of excess growth, and overtaxed wastewater facilities, the building and operation of desalination plants of any scale is prohibited.*
- **Ocean Outfall Policy:** *To support regional economic dependence on a rich ocean ecosystem and the preservation of a complex seasonal nearshore ocean current regime, any new wastewater outfall installation anywhere on the Sonoma Coast is prohibited.*

The potential impact of these new policies is huge. The **Blufftop/Sea Level Rise policy** prohibits existing private business operating north of Jenner and west of Highway 1 from changing, improving, upgrading, or creating anything that is not for public access, residential or traditional Tribal use. Any private property owner, regardless of what County and Coastal Commission regulations allow, will not be able to develop anything new that serves visitors to the coast, other than public access. Note that development is not limited to bricks and mortar, but also includes the use of the land, such as provision of services. This proposed policy could prohibit development such as affordable housing, EV charging stations, retail, information centers (cultural resources or otherwise), private emergency services, campgrounds, RV's, AirBnB, accommodation units of any sort, experiences such as kayaking, guided hikes, fishing, diving or infrastructure upgrades to utilities, broadband or restrooms.

Protection of Blufftops and Sea Level Rise? Regulations requiring comprehensive geotechnical analysis and subsequent setbacks of a specific parcel/bluff prior to any development, including impact of Sea Level Rise, **already exist**.

The **Ocean Outfall Policy** appears to prohibit the installation of any new septic system (my interpretation of what a wastewater outfall installation is) anywhere on the Sonoma Coast (is this the Coastal Zone?). No new toilets for anywhere on the Sonoma Coast – in homes, regional parks, campgrounds, general stores, medical support, aged care facilities, hotels. None. No toilets? No

building of anything that people use.

Protection of Ocean Outfall? Development regulations requiring state approved septic systems, including management of ocean runoff, **already exist**.

The Coastal Act (attached) clearly states in Section 30001 (d):

That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

It appears that these proposed policies fly in the face of the Coastal Act. Supervisor Hopkins appeared to create these new policies (along with edits relating to specific businesses in the LCP), with two others – Richard Charter and Richard Retecki. They were written without any input or collaboration with relevant businesses or organizations that might be impacted, without Permit Sonoma, who has spent the last 8 years updating the LCP, without the Coast MAC or even the Coastal Commission. In providing these LCP Update suggestions at this late stage, (a little over 1 month before the Board of Supervisors is slated to give final approval on the entire LCP on July 17, 2023), Supervisor Hopkins is advocating by-passing the entire LCP update process and inserting blanket policies at the last minute that prohibit developments **essential** to the economic and social well-being of the people of this state and especially to working persons within the coastal zone.

I urge you to let Supervisor Hopkins know that you do not support the proposed policies, nor the manner under which she has signaled them for inclusion in the LCP Update. Please take the time to read her proposed edits, as well as the Policy Options for visitor serving development prepared by Permit Sonoma, attached, (which in fact were supported unanimously at the last Board of Supervisors hearing on this issue), and consider the possible impact on your future.

Please contact Supervisor Hopkins and let her know your views on this – via email, by requesting a meeting with her to discuss, or providing public comment (written, verbal or in person) at the upcoming Board of Supervisors hearing on July 17, 2023. Relevant contact information is below.

We are all stewards of our coast. We are all doing our best to support the local economy through local jobs and services. We are supporting the greater Sonoma County through property taxes and TOT. We are doing our best to provide visitors to our wonderful coast with an extraordinary experience, just as we strive to do for those of us who live here. We are invested in taking care of the natural environment because without it, we could not do what we do, nor would we want to be here. A stringent and comprehensive set of regulations exist to protect the coast. Please do not allow three people to override this for our future.

Board of Supervisors Email: BOS@sonoma-county.org

Supervisor Hopkins Email: district5@sonoma-county.org

LCP Update (including BOS Hearing July 17, 2023):

<https://permitsonoma.org/longrangeplans/proposedlong-rangeplans/proposedlocalcoastalplanupdate>

Of course, feel free to contact me if you would like to discuss this further or forward this email to anyone you feel might be interested.

Warmly,

Margaret Grahame
Project Manager

[Timber Cove Resort](#) | [Coast Kitchen](#)
21780 Highway 1, Jenner, CA 95450
Hotel: 707-847-3231
Cell: 831-667-2757



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From: [CAROLINE Higgins](#)
To: [PRMD-LCP-Update](#); [Claudette Diaz](#); [Cecily Condon](#)
Subject: re: Two additions to the LCP update
Date: Thursday, July 06, 2023 10:21:19 AM

Hello Claudette and Cecily,

I am forwarding a copy of my most recent email to the Sonoma County Board of Supervisors for your consideration. I am hoping that you find the very non-controversial addition of ESHA policy a possibility to include as has been included in several other LCPs.

I also find the additional of language to consider concentration of STRs in the STR program language to be non controversial as it is neither pro nor con short term rentals but only asking that density be a consideration and part of the discussion in the implementation phase..I have raised this issue throughout the comment period but am usually drowned out by all the VR owners or realty groups who fear any limitation and also fail to understand the difference between a program and a policy or the plan phase from the implementation phase.

Please let me know if you have questions regrading these requests and thank you for all your work on the LCP

Sincerely

Cea Higgins

----- Original Message -----

From: CAROLINE Higgins <ceaview63@comcast.net>

To: "bos@sonoma-county.org" <bos@sonoma-county.org>

Cc: "susan.gorin@sonoma-county.org" <susan.gorin@sonoma-county.org>, "lynda.hopkins@sonoma-county.org" <lynda.hopkins@sonoma-county.org>, "chris.coursey@sonoma-county.org" <chris.coursey@sonoma-county.org>, "james.gore@sonoma-county.org" <james.gore@sonoma-county.org>, "david.rabbitt@sonoma-county.org" <david.rabbitt@sonoma-county.org>

Date: 07/04/2023 9:33 PM PDT

Subject: Two additions to the LCP update

Dear Supervisor

Thank you for all of your efforts to ensure that Sonoma County's LCP continues to protect the unique character of our coast and preserves its natural resources for future generations. I have been commenting on the LCP update process since 2015 and ask for your consideration and implementation at the July 17th Board of Supervisors meeting of these two additions that address current and future impacts to our coastal environment.

1. **Creation of new ESHA Policy & Program:**

In concurrence with the [Coastal Commission's Sea Level Rise Policy Guidance](#) and with the understanding that NOAA conservatively estimates that each inch of sea level rise results in the loss of about 2.5 meters (100

inches) of coastline, including environmentally sensitive habitat areas (ESHAs), it is important when adopting a managed retreat approach to SLR to ensure that our LCP not only prioritize preservation and restoration of ESHA but that we also work to **create new ESHA**. This type of *proactive planning* to expand ESHA, currently missing in our LCP, will increase the possibility and opportunity of inland migration and ensure there is available habitat to do so. I provide below an example of policy and program language from Marin County's LCP that has been certified by the Coastal Commission and ask that you advocate for similar inclusion in Sonoma County's LCP Open Space and Resource Conservation element.

C-BIO-5 Ecological Restoration. *Encourage the restoration and enhancement of degraded ESHAs and the creation of new ESHAs and streamline regulatory processes whenever possible to facilitate the successful completion of restoration projects.*

Program C-BIO-5.b "Safe Harbor" for Expansion of ESHA.

Consider a future work item to encourage the expansion of ESHAs by establishing policies, procedures and criteria that would allow such enhancements and protect sensitive resources while maintaining pre-existing buffers.

2. Density Considerations for Vacation and Hosted Rentals Program:

The LCP draft being considered for adoption does not contain any policies regarding regulation of short-term rentals (STR) in the Coastal Zone and instead contains program language to be considered in the future implementation phase of this update. As the County has chosen to bifurcate the process and adopt the plan first, it is important that any STR program suggested in the plan be comprehensive so that the implementation phase considers all possible known impacts.

The currently proposed program language is as follows:

Program C-LU-5-1P: *Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where high concentration of vacation rental would impact environmentally sensitive habitat areas, water quality or coastal access and develop land use policy to avoid these impacts.*

The Coastal Commission has approved ordinances throughout the coastal zone which address impacts from concentration of short-term rentals. The Commission cites examples in their [Short-Term Rental policy paper](#) where they state that they "look forward to working with jurisdictions and communities "to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale."

The CCC approved Local Coastal Program regulations include:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Exclusion zones (does not equate with a ban)

The County has supported these types of regulations for inland Sonoma County. The Coast deserves similar types of regulations that support a balance between offering visitor serving amenities and preserving community character in the Coastal Zone; especially to protect against the proliferation of corporate and co-ownership property companies.

To prevent impacts from an over-concentration of vacation rentals and to preserve neighborhood character and allow for work force housing, the following words [REDACTED] should be added to ensure these issues will be considered during the implementation phase of the LCP update.

Program C-LU-5-1P: *Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy. In addition to performance standards, identify areas where concentration of vacation rentals would impact environmentally sensitive habitat areas, water quality, [REDACTED] [REDACTED] or coastal access and develop land use policy to avoid these impacts.*

Thank you for your consideration of these small but crucial amendments to strengthen our Local Coastal Plan.

Cea Higgins

Co-Founder

Save the Sonoma Coast



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From: [Lake Perry](#)
To: [Claudette Diaz](#)
Subject: "Site-specific policies for visitor services"
Date: Wednesday, July 05, 2023 12:28:12 PM



We live nearby the Timber Cove Resort and the other businesses along that stretch of the coast highway. I worked for the Conservancy at the visitor center at Fort Ross State Historic Park for 31 years, so I am familiar with the seasonal ebbs and flows of public traffic. I grew up in southern California, and specifically want to mention the coastal areas there, in terms of the damaging impacts on the environment. We should not invite that to happen here.

There should not be allowed further development on the ocean terrace along the northwest Sonoma Coast, for several reasons.

The most important is the imperative to preserve the open natural life of the area rather than impinging on it with buildings, cars, and people. There are other means to increasing county revenues than with hotel room taxes, et al.

Water resources are thin to negligible in drought years.

Traffic has always brought trouble: our local emergency services are mostly volunteer; county services can be stretched or non-existent if a serious situation occurs (major vehicle, ocean or other medical emergency), and especially if there are wildfires in the county or nearby state regions.

Wildfires are a major threat to this area of high fuel loads. The more people, the more potential of fire starts, one way or another.

Noise of traffic and lights from buildings impact the pristine qualities of this rural area, and we all moved out here with intentions to preserve both the quiet and the darkness. Those are not the characteristics that are prized by vacationers from outside the area, to put it mildly.

This family urges the County to reject any and all increases of tourist development on the Sonoma County coast, and which would include housing west of the coastal highway. We need housing for full time residency, not short term vacationers.

Sincerely,
Lake Perry
Lawrence K Hunter
and Family

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From: [Lake Perry](#)
To: [Claudette Diaz](#)
Subject: Re: Automatic reply: "Site-specific policies for visitor services"
Date: Wednesday, July 05, 2023 1:04:38 PM

I include here photos of Laguna Beach as an example of what opening up to more development will become.



Sincerely concerned,
Ms Lake Perry
Fort Ross/Cazadero

On Wed, Jul 5, 2023 at 12:28 PM Claudette Diaz <Claudette.Diaz@sonoma-county.org> wrote:

Thank you for your message. I will return to the office on Wednesday, July 5th. I will respond to your message at the earliest opportunity. Thank you for your patience and understanding.

For general planning inquiries, contact Planner@sonoma-county.org.

Thank you,

| Claudette Diaz

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